EXECUTIVE COUNCIL

SUBMISSIONS HANDBOOK

Northwest Territories

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Section I: General

The Authority of the Government of the Northwest Territories

The Government of the Northwest Territories (GNWT) is established through the *Northwest Territories Act* (*NWT Act*), a piece of federal legislation enacted by the Parliament of Canada. The *NWT Act* establishes the position of Commissioner of the Northwest Territories and provides for an elected council, or Legislative Assembly. The Executive Council, or Cabinet, is established through the *Legislative Assembly and Executive Council Act*, passed by the Northwest Territories Legislative Assembly. Acting under the formal authority of the Commissioner, the Legislative Assembly and Cabinet are the highest government authorities within the NWT.

Authority of the Commissioner of the NWT

The Commissioner of the NWT is appointed by the federal government and is responsible to the Minister of the Department of Indian and Northern Affairs Canada (INAC). While the Commissioner was once directly involved in administering the GNWT, his or her role is now largely official and diplomatic, similar to that of a provincial Lieutenant Governor. This evolution in the Commissioner's role has occurred as a result of the growth of "responsible government" in the NWT. In this context, responsible government means that politicians elected by NWT residents make government decisions, rather than having them made by federally appointed officials.

The Commissioner's approval is still needed for certain decisions of the Legislative Assembly and Executive Council, reflecting his or her formal authority as established in the NWT Act. This is seen when the Commissioner gives assent to bills passed in the Assembly, approves policies recommended by the Executive Council or makes regulations and appointments as set out in legislation. However, in keeping with the principles of responsible government, the Commissioner only acts on the advice of the Legislative Assembly or the Premier.

Legislative Authority

The *NWT Act* gives the Legislative Assembly the authority to pass legislation for the Northwest Territories. The Assembly's law-making jurisdiction is limited to specific areas that are identified in the *NWT Act*. Some of these areas of jurisdiction are:

- taxation for territorial, municipal or local purposes;
- property and civil rights in the NWT;
- justice;
- education;
- hospitals (i.e., health care);
- preservation of game and management of timber (i.e., renewable resources); and
- expenditure of money for territorial purposes.

Many of these powers are similar to those of the provinces. These powers have evolved over time and Parliament has amended the *NWT Act* to reflect these changes. A complete list of the current legislative powers of the NWT Legislative Assembly may be found in Section 16 of the *NWT Act*.

Executive Authority

The Legislative Assembly and Executive Council Act (LAEC) provides that the Legislative Assembly will elect a Premier who will serve as the Chair of the Executive Council. The Legislative Assembly also elects several other MLAs to sit as Members of the Executive Council. The Act does not specify the size of the Executive Council.

Under the *LAEC Act*, the Executive Council is responsible for the overall management and direction of the executive Government of the Northwest Territories, including matters of policy. Traditionally, this responsibility is divided among the Members of the Executive Council, who are appointed as Ministers and assigned specific portfolios. Being a Minister is different than simply being a Member of the Executive Council. The Legislative Assembly chooses members of the Executive Council, but Ministerial appointments are assigned separately by the Commissioner acting on the advice of the Premier. Once appointed, Ministers are individually responsible for all matters arising within their portfolios.

The Financial Management Board (FMB) is established under the *Financial Administration Act*. The FMB is responsible for the financial management and administration of government. Similar to the Executive Council, the FMB makes decisions of a government-wide nature in areas such as accounting and budgeting policies, financial administration requirements and program evaluation. More information on the FMB and its responsibilities may be found in Part I of the *Financial Administration Act* or Section 1102 of the Financial Administration Manual.

Government Organization

For the purposes of more effective accountability, administration and management, the GNWT is divided into several departments. Department is defined in the *Public Service Act* as "a division of the public service...designated as a department by the Commissioner in Executive Council on the advice of the Premier." Each department is responsible to its minister for managing GNWT programs and services and developing and implementing policy and legislation within its particular mandate.

The area of authority for each GNWT department is defined in its Establishment Policy. Establishment policies for all departments may be found in the GNWT Policy Manual. The authority of secretariats, boards and territorial corporations may be found in policy, regulation or legislation, depending upon how each was established.

Central Agencies

Government departments may be categorized as either program departments or central agencies. Program departments are generally responsible for providing direct programs and services such as health care, education, highway maintenance, environmental protection, etc. These departments also play a primary role in developing and implementing policy in their mandated program areas.

Central agency departments play a key role in supporting the Premier and Executive Council as they shape overall government policy. Central agencies also support and advise the Executive Council in the Cabinet decision-making process.

The primary GNWT central agencies are the Department of Executive, the Financial Management Board Secretariat, the departments of Human Resources, Finance, Justice and Aboriginal Affairs and Intergovernmental Relations. The main responsibilities of each central agency are summarized below; complete details may be found in the Establishment Policy for each department.

Department of Executive

The Department of the Executive is generally responsible for providing overall management and direction to the GNWT, including ensuring that all departments follow government legislation, policy, priorities and strategies in their operations. The department is also responsible for ensuring the public is informed about government policies, activities, initiatives, programs and services.

Financial Management Board Secretariat

The Financial Management Board Secretariat (FMBS) is generally responsible for overseeing the management of the GNWT's financial and information resources. In doing this, it establishes government-wide policies and guidelines for financial management, accountability for results and information management. It is also responsible for providing departments with advice and assistance in these areas.

Department of Human Resources

The Department of Human Resources is responsible for setting policy and providing advice on the management and administration of GNWT human resources.

Department of Finance

The Department of Finance is generally responsible for obtaining the resources required to carry out GNWT policies and programs. The department is also responsible for analyzing the economic aspects of fiscal policy and analyzing and making recommendations on tax and fiscal policy issues.

Department of Justice (Attorney General Functions)

In its central agency role, the Department of Justice is generally responsible for providing legal advice and opinions to GNWT departments, boards and agencies and advising Cabinet on legal aspects of any issues brought before it. It is also responsible for conducting litigation on behalf of the GNWT and for preparing all GNWT bills, regulations, statutory instruments and appointments.

The Department of Justice also has significant program department responsibilities for administering the NWT justice and correctional systems.

Department of Aboriginal Affairs and Intergovernmental Relations

The Department of Aboriginal Affairs and Intergovernmental Relations is generally responsible for representing the interests of the territorial government and residents of the NWT in land claim, self-government and treaty land entitlement negotiations and in relations with other governments. It also provides strategic advice on political/constitutional development of the NWT and national and territorial Aboriginal relations.

Decision-Making in the Government of the Northwest Territories

Decision-making in the GNWT includes both the broader activity of setting long-term goals and priorities for government, as well as the more immediate activity of making decisions about the day-to-day operation of government.

Establishing Long-Term Priorities and Strategies

In the consensus system of government practised in the NWT, the Executive Council works with the regular Members of the Legislative Assembly to identify long-term goals and priorities for the GNWT. These goals and priorities are reflected in the legislation passed by the Legislative Assembly that establishes the legal framework within which GNWT programs and services are developed and delivered. The Legislative Assembly also plays a key role in establishing annual goals and priorities through its yearly review and approval of GNWT business plans and the GNWT's budget.

Members of the Legislative Assembly may also work with the Executive Council to help develop plans and strategies related to these goals and priorities. Through these plans and strategies, the GNWT can help NWT residents meet their needs for public programs and services and reach their goals for economic, political and social development. From time to time, the Members of the Legislative Assembly and/or the Executive Council may publish their plans and strategies. These may outline broad plans of action in several areas or be focused on a specific area of need or activity.

Implementation and Day-to-Day Management of the GNWT

Working within the legal framework and budget approved by the Legislative Assembly, the Executive Council is responsible for directing and overseeing the implementation of specific plans and the delivery of various programs and services designed to achieve identified goals and priorities. Ministers, acting either together or individually, will make decisions about how to pursue GNWT priorities and take responsibility for carrying out their decisions. This will include providing direction to departments and generally overseeing the day-to-day operations of the GNWT through the senior management team.

Individual and Collective Responsibility of Ministers

Under the *Legislative Assembly and Executive Council Act* (LAEC Act), Ministers are individually responsible for all matters arising within the departments under their direction. This means that each Minister has the authority to make policy decisions for his or her departments and to oversee the manner in which they are implemented and administered in pursuit of established goals and priorities.

The concept of individual responsibility also requires each Minister to account for his or her actions and decisions (and those of their departments). Where questions arise about how a department has been using GNWT resources or delivering programs and services, the responsible Minister must be able to provide acceptable answers and explanations.

The Legislative Assembly has a primary role to play in publicly holding Ministers to account for their decisions and actions and this is regularly seen during Question Period. It also occurs when Ministers appear before Standing and Special Committees of the Legislative Assembly to explain the proposals and actions of their departments, such as business plans, main estimates and legislation. Where Members of the Legislative Assembly are not satisfied with the answers provided by a Minister, they may choose to formally censure the Minister or even request his or her resignation.

Ministers are also collectively responsible and must account to the Legislative Assembly for the decisions they make together as the Executive Council. This practice grows out of a tradition dating back to 18th Century Great Britain that required the government to have the support of the majority of Members of Parliament. Under this tradition, when a government lost the support, or confidence, of Parliament, it was expected to resign or hold a general election, costing all Ministers their jobs. The practice of making collective decisions in Cabinet about issues of significance for the entire government developed in response to this risk and the need to maintain the confidence of Parliament.[1]

While this tradition has evolved over time, the practice of Ministers collectively considering and deciding issues of government-wide importance continues to this day. This practice has been formalized in the GNWT's Cabinet submission and decision-making process. Official rules and procedures in this Handbook have been established to help ensure issues come to Cabinet in an efficient and orderly fashion and that decisions are made with the best available information.

Collective Cabinet Decision-Making

While no NWT government has ever fallen as a result of losing the confidence of the Legislative Assembly, there are still some good reasons for continuing the tradition of collective Cabinet decision-making for some matters.

Allocation of Scarce Resources: As with most governments, the GNWT regularly faces demands to undertake more projects and offer more programs and services than it has the resources (time, staff and funding) to accommodate. As a result, political decisions have to be made about which activities will be pursued at any given time and which activities will be deferred. Decisions to pursue activities in one Minister's portfolio may mean that important activities in another Minister's portfolio have to be cancelled or delayed. Because Ministers are individually and collectively responsible to the Legislative Assembly for their actions and performance, it is essential that all Ministers have a say in those decisions that may affect their

[1] The tradition of collective responsibility requires all Ministers to publicly support all decisions of Cabinet. An individual Minister may not speak against a particular Cabinet decision or publicly state that he or she was opposed to it. If a Minister feels he or she cannot stand behind a Cabinet decision, he or she may have to resign from the Executive Council.

individual abilities to undertake projects and activities in their own departments. These decisions are usually made during formal Cabinet meetings.[2]

Considering Multiple Perspectives: Each Minister brings a unique perspective to the Cabinet table based on their knowledge of their portfolio and their constituents, among other things. When they collectively review significant proposals in Cabinet, Ministers are able to identify and discuss any potential issues, including where the legitimate interests of specific constituencies may have been overlooked. When necessary, Cabinet may direct that proposals be revised and strengthened to better reflect NWT-wide interests and to ensure that Cabinet decisions do not critically interfere with the GNWT's ability to achieve its goals or create unnecessary political opposition. By allowing Ministers to consider multiple perspectives and interests when they make a decision, Cabinet meetings help ensure that decisions are of the highest quality and enjoy the broadest possible public and political support.

Confirming a Strategic Approach: Not all Cabinet decisions will receive unanimous public and political support. Sometimes Cabinet must make difficult decisions that will be unpopular with certain groups or individuals. In these instances, Cabinet meetings give Ministers the opportunity to consider and agree on strategies for explaining and defending controversial decisions. While an individual Minister will be responsible for announcing and implementing each decision, the convention of collective responsibility means that all Ministers need to be able to speak to Cabinet's position. By agreeing to a strategy in Cabinet, all Ministers can be prepared to lend their support to the decision in a consistent manner.

[2] While Cabinet has the primary responsibility for deciding which activities will be pursued on a political basis, the Financial Management Board (FMB) has the responsibility for allocating the GNWT's financial resources to particular projects and activities in keeping with political priorities.

Section II: Cabinet Meetings and Cabinet Submission Procedures

The formal Cabinet submission process helps facilitate Cabinet decision-making. This process helps ensure that Ministers' time is used efficiently; they are not asked to make unnecessary decisions and they have all the information they need to make good decisions. Standard formats for various types of Cabinet submissions form a key component of the submission process. These formats and suggestions for completing them are discussed later in this manual.

When to Seek Cabinet Direction

Generally, Ministers may carry out most activities related to their portfolios on their own authority under existing legislation and policies. However, the convention of collective responsibility means that there are a number of situations in which Ministers must seek Cabinet direction before making certain decisions or taking certain actions.

The following are some of the items that must be submitted to Cabinet:

- proposals to establish, amend or rescind legislation;
- approval of draft bills for introduction in the Legislative Assembly;
- proposals to establish, amend or rescind Cabinet-approved policies;
- proposed revisions to any item previously approved by Cabinet (e.g., negotiating mandates, terms of reference, etc.);
- actions requiring Cabinet authority under legislation, regulation or policy, including:
    - appointments to various statutory positions and boards (see the specific legislation for details);
    - approval to negotiate contracts; and
    - direct appointments to the public service;
- actions requiring Cabinet authority under Cabinet-approved rules or guidelines, including:
    - appointments to public committees, boards and councils (Note: where an appointment is in an individual Minister's authority, he or she is only required to submit an information item to Cabinet before the appointment is made. Further details are available in the guidelines section of this handbook);

- specific actions or decisions that Cabinet has directed be brought back to them for further consideration and/or approval; and
- any matter which involves the collective responsibility of all Ministers, which may include items such as:
    - major changes in a department's programs or services or the way they are delivered;
    - proposed actions or strategies that will have a significant impact on the public (e.g., health care reform) or other departments (e.g., social agenda, disabilities framework);
    - proposed GNWT position statements and communications on issues of territorial significance or in which there is widespread public interest (e.g., devolution negotiations, pipeline development, mine reclamation, etc.);
    - potentially controversial matters that are entirely within the Minister's authority, but for which he or she would like to seek Cabinet advice. (Note: If the Minister does not require Cabinet's authorization, but is only seeking their input, it may be more appropriate to submit an information item).

There may be other situations in addition to this list when a Minister may need to seek Cabinet direction. Staff in the Cabinet Secretariat are available to assist you if you have any questions about whether or not a specific item should be submitted to Cabinet.

Submission Procedures

Cabinet Secretariat manages the Cabinet submission process on behalf of the Executive Council. Formal Cabinet submission procedures have been developed to ensure that meetings are well organized and that there are complete and accurate records kept of all Cabinet meetings. These procedures apply to all Cabinet submissions.

A Minister directs his or her department to develop a submission for Cabinet's consideration. Depending on the specific issue, the submission might be a discussion item, legislative proposal, decision paper, options paper, ministerial initiative or information item.

Where a submission concerns two or more departments, the responsible Ministers may choose to prepare a joint submission to be signed by each of them.

Departments submit a final draft of the submission to their Minister for signature. Individual Ministers may have different requirements concerning how far in advance they would like to receive draft submissions from their departments.

Once signed by the Minister(s), the original signed submission is sent to the Deputy Secretary to Cabinet, along with 22 copies of the submission and all its attachments. The Minister may wish to include a covering letter with the submission explaining any special handling considerations.

The Deputy Secretary to Cabinet must receive signed submissions no later than ten (10) working days before the next scheduled Cabinet meeting if they are to be considered at that meeting. Information items may be submitted up to five (5) working days before the next scheduled Cabinet meeting. Submissions received after this deadline has passed will be held for the following Cabinet meeting.

Cabinet Agendas

Cabinet Secretariat prepares a draft agenda for the upcoming Cabinet meeting shortly after the submission deadline has passed. All submissions, with the exception of Legislative Proposals, that met the deadline are usually placed on the draft agenda, which is then given to the Premier for review and approval. By agreement with the Legislative Assembly, Standing Committees review all Legislative Proposals before Cabinet approves them. As this process may take six weeks or more, Legislative Proposals are not automatically placed on the next Cabinet agenda.

Items on the draft agenda are usually organized under the following headings:

- Prayer
- Approval of Agenda
- Approval of Previous Minutes
- Declaration of Conflicts of Interest
- Items for future consideration
- Discussions and Briefings
- Legislative Proposals
- Draft Legislation
- Decision Items
- Information Items
- Ministerial Travel Plans
- General Discussions
- In-Camera Discussions
- Other headings as required from time to time

When the Premier approves the draft agenda, Cabinet Secretariat prepares a meeting package. This package includes the agenda, signed submissions and their assessments (if any) and any previous minutes prepared for Cabinet approval. The meeting package is distributed to all Ministers and those senior officials who regularly attend Cabinet meetings as advisors (e.g., Secretary to Cabinet, Secretary to the FMB, Deputy Minister of Justice and Deputy Secretary to Cabinet) approximately three to four days before each meeting.

Walk-ins

In extraordinary circumstances, a Minister may wish to have a submission considered at a Cabinet meeting after the ten-day submission deadline for that meeting has passed. As Chair, it is up to the Premier to decide whether or not a late submission can be added to an already-prepared agenda.

Should a Minister wish to make a submission after the deadline has passed, he or she must **write a letter to the Premier to request permission to bring that item to the next Cabinet meeting**. The letter must explain why a decision is urgently required and the significance of the issue, including the potentially negative consequences of deferring the submission to the next scheduled meeting.

If the Premier approves the Minister's request, the submission may be brought to the upcoming meeting. Submissions brought to Cabinet in this manner are often referred to as "walk-ins." *Each Minister is responsible for ensuring that copies of all approved walk-ins are distributed to Ministers and the senior staff who normally attend Cabinet meetings.*

While unforeseen circumstances sometimes make it necessary for a Minister to immediately seek Cabinet's direction, walking-in submissions should be avoided whenever possible. The short time frames that typically accompany walk-ins often mean that other Ministers have not had sufficient time to thoroughly review them before a meeting or to receive all the information they need to make the best informed decision possible. Under no circumstances should departments use the walk-in procedures in an attempt to accommodate internal workload issues and time demands.

Legislative Proposals will not typically be considered for approval as walk-ins if Standing Committee has not yet provided its comments.

Withdrawing, Deferring or Replacing Submissions

Occasionally, a Minister may want to revise, defer or withdraw a submission that has already been signed and sent to the Cabinet Secretariat for the next meeting. Often this is the result of new developments or events that make the information in the submission outdated or substantially affect the proposals made in the submission. In these instances, the Minister may follow these steps to have a submission withdrawn, revised or deferred.

Before the Cabinet meeting package has been distributed, the responsible Minister may write directly to the Deputy Secretary to Cabinet and request that a signed submission be withdrawn or deferred to another meeting. If the submission needs to be revised, the Minister may write to the Deputy Secretary to Cabinet and ask that the original submission be replaced with 22 copies of a revised signed submission.

If the Cabinet meeting package has already been distributed, the responsible Minister may request that a submission be withdrawn or deferred from the draft Cabinet agenda before it is approved. Submissions may also be withdrawn or deferred following Cabinet discussions and such withdrawals or deferrals will be noted in the minutes of that meeting.

Note: When a submission has been deferred, it means that that same submission will be considered at a later Cabinet meeting. The submission may not be changed before it is considered. If the submission needs to be revised, it must be withdrawn and a new submission sent to Cabinet Secretariat. Normal submission deadlines apply to the new submission.

Cabinet Secretariat Assessments

Cabinet Secretariat prepares written assessments for most submissions requiring a decision, with the exception of Legislative Proposals and draft bills, which are assessed by the Legislative Initiatives Committee (described later). The purpose of the assessment is to briefly summarize the main points of each submission and to draw attention to any important issues that Cabinet may want to keep in mind when it is making its decision.

Assessments are provided to Ministers as part of the Cabinet meeting package. They are often referred to as "pinks" because they are printed on pink paper when they are placed in the package to distinguish them from the Ministers' submissions. Copies of the assessments are provided to Deputy Ministers and Policy Directors following the distribution of Cabinet meeting packages.

The following are some of the factors that Cabinet Secretariat considers when assessing a Cabinet submission:

- Does the proposal comply with any existing Cabinet and FMB direction on the issue?

- Does the proposal comply with the requirements of all relevant legislation, regulations, policies or guidelines?

- Policy coherence — is the proposal consistent with current government priorities, objectives and commitments found in such things as: the Premier's Sessional Statement, the Budget Statement, the Business Plan and Main Estimates, published strategy documents and other plans and government commitments in the Legislative Assembly or the media?

- Have the Legislative Assembly or its Committees made any comments or recommendations related to the issue?

- Have all potentially affected groups and individuals – including any stakeholders, Aboriginal and community governments, other departments, etc. – been consulted and are the results of the consultation reported?

- Are any financial or legal implications identified and addressed?

- Does the information presented support the Minister's conclusions and recommended decision?

- Are there any gaps in information or potential issues that have not been addressed in the submission?

- Will the proposal have an impact on any other departments?

- Are there any issues related to land claims and self-government?

Submissions will also be assessed for potential communications issues. This assessment will be done by the Deputy Secretary of Corporate Communications and Protocol, who has been given specific responsibility in the *Communications Policy* #11.21 for reviewing and advising on the communications components of Executive Council submissions. Any communications issues will be addressed by the Deputy Secretary of Corporate Communications and Protocol in a separate section of the assessment.

Each assessment also includes Cabinet Secretariat's recommended decision. Depending on the issues raised in the assessment, the recommendation may be the same as the recommendation in the Minister's submission or the assessment may recommend a different decision.

Cabinet Secretariat will consult with other central agencies and departments in preparing its assessments if the issues involved require particular knowledge (e.g., legal, financial, land claims, etc.).

Each department has a Cabinet Policy Analyst assigned to advise them in preparing Cabinet submissions. Departments are encouraged to discuss planned submissions with their Analyst or, in the case of Legislative Proposals and draft bills, with Legislation and House Planning. The Analyst may be able to identify potential issues or information gaps in the submission that may be addressed before the Minister signs it. As issues that are not adequately addressed in the submission will likely be raised in the pink, consulting with Cabinet Secretariat in advance may lead to more straightforward assessments and consensus on the recommended decisions.

An example of a Cabinet Secretariat Assessment report follows.

Example

CONFIDENTIAL

EXECUTIVE COUNCIL ASSESSMENT REPORT
Prepared by the Cabinet Secretariat

Submitting Department
Submission Title

BACKGROUND

A brief summary of the Minister's submission, including a description of the problem and a synopsis of the key elements of the argument and the Minister's proposal.

CABINET SECRETARIAT ISSUES

Issues specific to the submission identified by Cabinet Secretariat. They are presented in the form of questions and answers.

Compliance with legislation, established policy and previous Cabinet direction are issues that are always considered in the preparation of an Assessment Report.

If the Cabinet Secretariat has not identified any issues to be addressed, the Report will clearly indicate "no issues have been identified."

CORPORATE COMMUNICATIONS ISSUES

Any issues identified by the Deputy Secretary, Corporate Communications and Protocol, in accordance with Communications Policy #11.21.

RECOMMENDED DECISIONS

Specific directions recommended by Cabinet Secretariat and drafted in language consistent with Record of Decision (ROD) conventions.

Cabinet Secretariat recommendations may be the same as or may differ from the recommendations made by the Minister in the submission, depending on the issues identified.

On occasion, Cabinet Secretariat will recommend that Cabinet choose between two or more options, based on the issues identified in the Assessment Report.

Legislative Initiative Assessments

Legislative proposals and draft bills submitted for Cabinet approval are assessed by Legislation and House Planning with input from the Legislative Initiatives Committee (LIC). LIC is chaired by the Legislative Coordinator and includes members from Cabinet Secretariat, the Financial Management Board Secretariat, the Department of Aboriginal Affairs and Intergovernmental Relations and the Department of Justice's Legislation Division. The broad range of perspectives represented by LIC members helps to ensure that any significant issues are identified and resolved before legislative proposals or draft bills receive Cabinet approval. LIC would also draw upon other expertise as required in the preparation of assessment reports (e.g., obtaining legal opinions from the Department of Justice's Legal Division, obtaining advice on risk management from the Department of Finance, obtaining communications advice from Corporate Communications and Protocol, etc.).

Similar to Cabinet Secretariat assessments in format and purpose, assessments on legislative proposals and draft bills provide Cabinet with a summary of the submission and identify any potential issues it may wish to consider in making its decision. Legislation and House Planning considers many of the same factors as the Cabinet Secretariat in the preparation of the assessment report, and there is a special emphasis on legislative policy issues (e.g., cohesion with overall GNWT statutory framework, costs of enforcement, etc.). Each assessment also includes a recommended decision that may or may not reflect the Minister's recommendation, depending on the issues identified. The recommended decision would also deal with formally establishing a target date for the introduction of a bill in the Legislative Assembly.

There are a few differences between legislative initiatives and other Cabinet submissions worth noting, as follows:

- The development of legislative initiatives is a two-stage process. Cabinet first considers the concept and policy rationale as outlined in the legislative proposal and then considers the specific instrument (i.e., a draft bill) that would establish a new law or change the existing law.

- Cabinet approval of a legislative proposal and, eventually, a draft bill is only a part of the process and are requisite steps leading up to the Government's introduction of a bill in the Legislative Assembly. Through its own separate processes, the Legislative Assembly will ultimately decide if a new law is to be enacted or changes are to be made to an existing law.

- Unlike most other decision items where Cabinet approves a decision or decisions contained in a document, when Cabinet approves a legislative proposal or bill, the entire document is approved.

- Legislative Proposals are the only Cabinet submissions provided to Standing Committees.

Departments are encouraged to contact the Legislative Coordinator in Legislation and House Planning Division when developing legislative proposals and other submissions concerning legislation. In addition, Departments are strongly urged to request (through the Legislative Coordinator) informal LIC review of draft legislative proposals. LIC may be able to help identify any issues or concerns that can be addressed before the submission is finalized, signed by the Minister and submitted to Cabinet.

Joint Cabinet-FMB Submissions

Cabinet and the FMB each have their own decision-making authority established in legislation, policy and directives. At times, a Minister may have a proposal that requires both Cabinet and FMB direction. In these instances, a Minister may wish to make a joint Cabinet-FMB submission. The following are some of the situations in which a joint Cabinet-FMB submission may be appropriate:

- a submission addresses significant and interrelated policy, financial, organizational or human resource issues requiring both Cabinet and FMB direction;

- an initiative requires the approval of both Cabinet and FMB as established in legislation, Cabinet-approved policy or FMB directive;

- a submission requires immediate direction from both Cabinet and FMB and the submission presents sufficient background and information for both Cabinet and FMB to make an informed decision; and

- Cabinet or FMB has previously directed that the Minister return with a joint Cabinet-FMB submission.

The joint Cabinet-FMB submission uses the same format as an FMB submission, but must clearly indicate that it is a joint submission. The submission process is similar to the process for a Cabinet submission, except that **two original signed copies** must be made. One original must be sent to the Deputy Secretary to Cabinet and copied to the Secretary to Cabinet along with the appropriate number of additional copies. The other original signed submission must be sent to the Chair of the FMB and copied to the Secretary of the FMB. Normal Cabinet and FMB submission deadlines apply. Refer to

Cabinet Policy Analysts and FMB Analysts work together to prepare a joint assessment on joint Cabinet-FMB submissions.

Meeting Follow-up

As soon as possible after a Cabinet meeting, the Cabinet Secretariat will informally advise departments of any decisions Cabinet made on each of their Minister's submissions. At this time, departments will also be advised of any additional considerations or factors that may have influenced Cabinet's decision. Pending notification from Cabinet Secretariat, a department may wish to consult with their Minister's office to find out how a particular matter was decided at Cabinet.

Departments may begin to implement Cabinet direction as soon as they have been advised of Cabinet's decision. However, as Cabinet's decision may differ from the decisions recommended in both the Minister's submission and the Cabinet Secretariat assessment, it is important that departments carefully note any additional considerations or direction before taking action. In any event, the written Record of Decision will be the final word on the matter, taking precedence over any prior communication of Cabinet results.

Some of the key terms Cabinet Secretariat uses in communicating Cabinet results to departments and their meanings include:

- Approved – Cabinet has accepted the recommended decision proposed in a submission;
- Approved as per the pink – Cabinet has accepted the recommended decision proposed in the Cabinet Secretariat assessment report;
- Rejected or not approved – Cabinet has not approved a decision recommended in a submission;
- Deferred – a Minister has asked that his or her submission be considered at another meeting. A deferred submission may not be revised before being reconsidered by Cabinet;
- Withdrawn – a Minister has asked that his or her submission be withdrawn, either before or during the Cabinet meeting;
- Accepted – refers only to Information Items and indicates that Cabinet has not objected to any of the information in it. It does not mean that Cabinet has approved the information item or authorized any action based on it.

Records of Decision

Following each Cabinet meeting, Cabinet Secretariat prepares a formal Record of Decision (ROD) to record the details of each decision. Each ROD has a unique number to identify it and is signed by the Secretary to Cabinet and Premier.

Cabinet direction is always specific and positive – specific Ministers are given explicit direction to undertake identifiable actions. Cabinet does not issue RODs to direct a Minister not to do something or to record negative decisions where it has not approved a proposal or recommendation.

The ROD, and any attachments, is the full and complete record of the direction Cabinet has given. Only those actions or directions noted in the ROD have been approved by Cabinet. Where a ROD is silent on a proposal or recommendation in a submission or pink, it means that Cabinet has not approved the proposal or recommendation.

RODs stand on their own and do not usually make reference to another document. In some instances another document may be attached to a ROD, such as a contract or agreement a Minister has been authorized to sign or a detailed plan a Minister has been directed to undertake. These attachments form part of the ROD. Approved legislative proposals and bills are always attached to the ROD. On rare occasions, where a ROD must refer to a document that is not attached, that document is identified as specifically as possible.

Cabinet does not issue direction to civil servants directly. This is because civil servants are not directly accountable to Cabinet, but are primarily accountable through their Deputy Minister to their own Minister. As a result, Cabinet only issues direction to Ministers, who are directly accountable to Cabinet. However, where a ROD gives direction to a Minister, it is generally understood that staff in the Minister's department (or in the case of the Premier, the Department of the Executive) with responsibility for the particular subject area will be largely responsible for implementing that direction.

Orders in Executive Council

Many Acts require the Commissioner-in-Executive Council to approve particular government actions or documents. "Commissioner-in-Executive Council" refers to the Commissioner acting on the specific and explicit recommendation of Cabinet. Orders in Executive Council (OECs) are a special type of Cabinet record produced to reflect and document the making and acceptance of such recommendations. An OEC is similar in most respects to a ROD, but only becomes effective when the Commissioner signs it.

Security of Cabinet Records

RODs and OECs are confidential Cabinet records that are specifically protected by the *Access to Information and Protection of Privacy* (ATIPP) Act. They are printed on dark red paper to prevent unauthorized duplication which could compromise the protection they have under ATIPP.

Copies of signed RODs and OECs are distributed to Ministers, departments and central agencies affected by that decision. Even when distributed to departments, RODs and OECs remain Cabinet records and must be stored securely and must not be duplicated in any form.

Please note that records of previous Cabinets may not be shared with Ministers of the current Cabinet, even if they were members of the previous Cabinet. Staff will continue to have access to RODs from previous governments and may summarize the direction for the purposes of briefing their current Minister. However, they may not reveal the ROD number and must not reproduce any part of the ROD directly. When making reference to the direction of previous governments in preparing Cabinet submissions, care must be taken to ensure that these rules are followed.

Section III – Cabinet Submission Formats

While departmental officials acting in accordance with existing legislation, policy and procedures can resolve many issues, unique and extraordinary situations often arise which require Cabinet direction. The complex nature of these problems often means that they require a significant and time-consuming amount of research and analysis to identify potential solutions.

Because Ministers have a limited amount of time in which to make decisions on the many issues that are presented to them, Cabinet has established a standard decision-making process to help them maximize the use of their time. Standard formats for common Cabinet submissions are a key part of that process and have been developed for the following types of submissions:

- Ministerial Initiative
- Legislative Proposal
- Decision Paper
- Options Paper
- Information Item
- Discussion Paper

These formats have been designed to help Cabinet make decisions about often complex and difficult problems as efficiently and effectively as possible. When fully completed, they provide Cabinet with the key information they need to make a decision and help lead them step-by-step through the decision-making process — from identifying the problem, through a discussion of the relevant background and factors, to a conclusion and proposed solution.

The use of standard formats also supports Cabinet's collective responsibility. Because each Minister is accountable for and must publicly support all Cabinet decisions, it is important that all Ministers know the implications and potential consequences of decisions they make together. Following the standard formats helps to ensure that even Ministers who were not previously familiar with an issue have the information they need to make and defend every Cabinet decision.

General Tips for Completing Cabinet Submissions

The following general tips will help you prepare submissions that more effectively meet Cabinet's decision-making needs and can be applied to all types of submissions. More specific tips for completing the different types of submissions will be discussed in individual sections for each format.

- **Use everyday language** — Ministers must regularly review a great deal of written material. To help them review and come to a conclusion about your submission more quickly, you should write as plainly as possible. Avoiding long complex sentences and paragraphs and the use of jargon or technical terms will improve the readability of your submissions.

- **Complete all sections** — the section headings used in the standard formats cover the most common areas of information that Cabinet needs to make a decision. Completing each section indicates to Cabinet that each area has been considered and helps assure them that they have all the information they need. Where a particular section does not apply to your submission, simply note "not applicable" under that heading.

- **Include all relevant information** — Cabinet submissions need to stand on their own, without depending on previous submissions or items not currently before Cabinet. Ensure that your submission has enough relevant information in it to allow Cabinet to make the requested decision based only on the submission in front of them.

- **Be concise** — while Cabinet submissions need to be complete, it is also important that Ministers not be overwhelmed with unnecessary detail. Try to focus only on significant information and issues and summarize as much as possible. Additional detail and supporting information may be attached to the submission as appendices.

- **Be frank in your submissions** — Ministers must be able to account for the decisions they have made in Cabinet. Letting them know in advance of any potential issues or negative reaction to a proposed decision will help them prepare for any potential questions. While including this information may not always support a proposed decision, it is better that Ministers are aware of any issues beforehand than to have them surprised by it after a decision has been made. All Cabinet submissions are protected under the *Access to Information and Protection of Privacy Act.*

Ministerial Initiative

This submission format is used when a Minister wants to quickly gauge Cabinet support for a major new proposal or initiative requiring Cabinet's authority before significant time or resources have been devoted to it. It is a brief submission of **no more than one page** and does not include any detailed analysis or proposals.

Based on the Ministerial Initiative, Cabinet will either issue a ROD directing the Minister to return with a fully substantiated proposal (either a decision paper, legislative proposal or joint Cabinet-FMB submission) or will advise the Minister to proceed no further with the proposal.

Note: Cabinet will not approve a proposal on the basis of a Ministerial Initiative submission, but will only direct a Minister to return with a more detailed submission for further Cabinet or FMB direction.

Cabinet Secretariat will not normally assess Ministerial Initiative submissions, however, they are still subject to the normal ten working day submission deadline.

Outline and Contents

Initiative

Briefly summarize the proposed initiative in one or two lines.

Tip: Use this format to seek preliminary clarification from Cabinet about its support for significant new undertakings that have not been previously discussed or considered (e.g., a major legislative initiative, introducing a major new program or significant program redesign, etc.).

Background

Briefly discuss any relevant background. This may include:

- a description of the current situation and how the proposed initiative is expected to resolve a perceived issue or problem;
- a brief indication of how a proposed initiative will be carried out and its expected impact;
- an indication of expected costs (if any); and
- any known or expected issues or negative impact of the proposed initiative.

Tip: Do not include detailed substantiation in the background material, the Ministerial Initiative is primarily meant to generate discussion, not seek approval for a detailed proposal.

Objective

Briefly state the objective of the submission. For example: "To seek Executive Council direction on returning with a proposal for regulating the secondary diamond industry."

Example

CONFIDENTIAL

MINISTERIAL INITIATIVE

TITLE

INITIATIVE

BACKGROUND

OBJECTIVE

_____ _____

Minister of XXX Date

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Legislative Proposal

The development and passage of government legislation involves a number of steps and can take a significant amount of time to achieve. A complete description of the legislative process is included as an appendix to this manual.

A Legislative Proposal is prepared whenever a Minister is seeking Cabinet direction to develop new, or amend existing, legislation. A Legislative Proposal must always state in clear terms what the amendment or new Act would do and why it is being proposed. As well, a Legislative Proposal should always provide Cabinet with a clear understanding of all significant issues associated with the implementation of this new or amended law.

To provide Cabinet with the information it needs to make a decision on the proposed legislative initiative, the legislative problem/need must first be identified and policy options to solve that problem/need must be examined and decided upon. Submission of a Legislative Proposal in advance of this work being completed would be premature.

Before Cabinet approves a Legislative Proposal, the government is obliged to seek comments on the proposal from Standing Committee. To obtain comments, the Government House Leader refers the Legislative Proposal to the appropriate Standing Committee after it has been submitted to the Cabinet Secretariat. Comments are provided back to the Government House Leader in a letter from the Standing Committee. This process is governed by the Process Convention for Standing Committee Review of Legislative Proposals, which is also included as an appendix to this manual.

It is important to note that the Government House Leader is given the discretion to take the Legislative Proposal through Cabinet before it is referred to Standing Committee. This is usually only done in the case of very large or controversial initiatives. In any event, Cabinet does not make a decision to approve the Legislative Proposal until Standing Committee responses have been received. The final package that goes before Cabinet includes the Legislative Proposal, a LIC assessment report prepared by the Legislation and House Planning Division and the letter from Standing Committee.

An approved Legislative Proposal provides the responsible Minister with the authority to draft a bill and submit it to Cabinet for consideration.

Outline and Contents

Title

Give the title of the proposed new Act or the Act to be amended.

Tips:

In the case of numerous or comprehensive amendments to an existing Act, Legislation Division (Justice) should be consulted as to whether or not a complete re-write of the Act is advisable.

Consequential amendments to other statutes need not be described here but could be noted in the "Implementation" section.

Background (Optional)

An optional heading that could be used to describe in general terms the nature of the legislative problem (e.g., certain provisions in the Act are outdated or have been overtaken by decisions of the court, etc.). This heading could also be used to provide general context/history for the particular initiative or to note significant origins for the initiative such as special interest group requests for the legislation.

Tips:

If there was any previous relevant Cabinet or FMB direction, this should be mentioned. Use dates to identify previous direction; do not include ROD numbers.

Keep it brief, keep it general – view this section as a way of introducing the topic and leading up to more specific information in the various headings below.

Purpose of Legislation

Describe, in clear and concise terms, what changes are going to be made to the existing Act or, if a new law is being proposed, outline the main elements of the new Act.

Tips:

Statements such as "modernize the Act" or "update the discipline provisions" don't provide Cabinet with any information to assess the merits of the initiative. Describe in plain language what amendments / new provisions are being proposed to achieve the policy objectives.

Each item listed in this section should have a corresponding entry in the "Policy Rationale" section below.

If a new Act is being proposed or if numerous amendments to an existing Act are being proposed, it is often advisable to combine "what" is being done with the "why" (i.e., Policy Rationale) in a separate document or table attached to the legislative proposal.

In this instance, the text or narrative of the proposal could be used to highlight significant or controversial changes to existing legislation.

"What" should not include proposed specific wording changes to the Act – it is understood that the actual wording would be determined during the drafting of the bill.

Policy Rationale

Describe, in clear and concise terms, why the initiative is being proposed. In other words, state how the proposed new or amended legislation will address the problem at hand and why, from a policy perspective, this is the best way to deal with that problem.

Tip:

As noted above, if a new Act is being proposed or if numerous amendments to an existing Act are being proposed, it is often advisable to combine "what" is being done (i.e., Purpose of Legislation) with the "why" in a separate document or table attached to the legislative proposal.

Consultation

Legislation can have far-reaching effects on individuals and groups. Consultation on legislative initiatives is important and, generally speaking, should be completed before a legislative proposal is submitted.

As a matter of course, all affected GNWT departments and agencies should be consulted on proposed legislative initiatives. Additionally, and dependent on the nature of the legislative initiative, special interest groups, non-government organizations, professional associations, unions, etc. are all potential groups that could be targeted for informal consultation to assist in the development of a legislative proposal. For the more significant pieces of legislation (e.g., *Wildlife Act*, *Human Rights Act*, *Liquor Act*, etc.) broader public consultation is required and usually done through a formal consultation document.

Tips:

It is not enough to say that consultation has been undertaken – the results of the consultation must also be provided.

If the consultation is legally required, this should also be noted.

In some cases, additional consultation with selected stakeholders on a draft bill is also appropriate and should be mentioned here if it is planned.
If you have not consulted, explain why consultation was not necessary.

Legislation and House Planning may contact parties you have already consulted with (or additional parties) to get a better understanding of their views on an issue.

Implementation

Describe any problems that may be encountered or need to be addressed or solved to enact the proposed legislation. (e.g., political issues, adverse public reaction, legal issues, etc.)

Describe any and all administrative implications resulting from the enactment of the legislation. (e.g., human or financial resource requirements, establishment of new boards, etc.)

Describe any timelines that must be met regarding introduction and passage (usually related to legal liabilities). If the Act is not to be brought into force upon assent (e.g., to allow time for the development of appropriate regulations), this should also be noted.

Tips:

It is very useful to use sub-headings (e.g., Political, Financial, Human Resource, Legal, Interdepartmental, Social Impacts, Public Relations, etc.) as required to describe and address all relevant implementation issues.

Any known consequential amendments to other Acts that may be needed could be noted here.

Drafting

Indicate the time required to prepare the draft bill as advised by the Director of Legislation Division in the Department of Justice.

Scheduling

Indicate the proposed target date for introduction of a bill in the Legislative Assembly. Note this target date should be established in consultation with both Director of Legislation Division in the Department of Justice and Legislative Coordinator in the Department of the Executive.

Example

CONFIDENTIAL

LEGISLATIVE PROPOSAL

TITLE

BACKGROUND (Optional)

PURPOSE OF LEGISLATION

POLICY RATIONALE

CONSULTATION

IMPLEMENTATION (Sub-headings as required)

Political Issues
Financial/Human Resource Issues
Legal Issues
Interdepartmental Issues
Social Impact Issues
Communications Issues
Other Issues

DRAFTING

SCHEDULING

_____
Minister

_____
Date

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Decision Paper

A Decision Paper is the most common type of Cabinet submission. It is used when a Minister is recommending a specific proposal for Cabinet's approval. Each Decision Paper should include a concise, but complete, discussion of the issue and the Minister's proposal for addressing it. Decision Papers are assessed by the Cabinet Secretariat.

Outline and Contents

Problem

A problem occurs when there is a discrepancy between an existing situation and a desired situation. Cabinet direction is necessary when existing legislation, policies or procedures do not provide a means for resolving the problem.

Briefly describe the specific situation that Cabinet needs to resolve and why it cannot be resolved under existing authorities.

Tips:

Focus clearly on the specific problem. Cabinet needs to know immediately why an issue is being brought to them.

Do not include any background in the problem statement.

Do not anticipate Cabinet's decision by including the proposed solution or recommendation here.

The fact that Cabinet direction is required to do something is not a problem.

Principles

Cabinet decisions should exhibit policy coherence — they should be consistent with existing legislation and policies as well as with GNWT goals and priorities as stated in business plans, the main estimates and various published strategies and plans. Clearly stated principles that embody the underlying values the GNWT holds will help Cabinet make decisions that are consistent with its broad goals and commitments.

Include three or four relevant principles in this section that help to demonstrate the GNWT's preferred approach to, or position on, this problem.

Tips:

Principles are statements that describe an ideal situation, not statements of fact or a public commitment to action. Use the verb "should," rather than "will" or "must," etc.

Principles should be broad statements that can be applied to GNWT actions generally, and not just to one specific problem (e.g., "the GNWT should ensure that local residents share fairly in the benefits of resource development" is a better principle statement than "the GNWT should encourage diamond mining companies to sign impact benefit agreements.").

Cabinet-approved policies include principles; relevant policies may be a good source of material for this section.

Principles should be realistic, reasonable, politically acceptable and defendable.

Background

Use this section to summarize the significant events, decisions and other details that have contributed to a situation that now needs to be resolved. Be brief, but ensure that all relevant significant material is included in the submission so Cabinet can get a quick overview of where the matter stands before it makes a decision.

Tips:

Shorter is better — detailed history, research data, facts and figures may be included in an appendix to the submission.

Include a brief mention of all previous relevant Cabinet or FMB direction. Use dates to identify previous direction; do not include ROD numbers.

Include specific facts (e.g., research findings, previous commitments, etc.) that have influenced the recommended action.

Do not include details of the recommended action; those should be reserved for the proposal summary section.

Consultation

Cabinet decisions often affect many people and groups. It is sometimes helpful to consult with potentially affected groups while developing a proposed response to the problem at hand. Use this section to describe any external consultation activities you have already undertaken to help shape the proposal. You must also describe the results of your consultation. Consultations with other GNWT departments or agencies may be reported in the Interdepartmental Factors section below.

Where a proposed decision may affect asserted or proven Aboriginal or treaty rights, particularly with respect to land and resource management, the GNWT has a legal duty to consult and potentially accommodate the affected Aboriginal government or group. Results of this consultation should be indicated here. See the GNWT Framework for Consultation with Aboriginal Governments and Organizations for more information on determining whether a proposed decision may affect Aboriginal rights and for guidance on conducting consultations that fulfill the GNWT's legal obligations.

Tips:

This section is for describing consultations that have already been carried out, not consultations you plan to do later.

Plans for future consultation may be included as part of the Communications Summary.

Simply listing parties you have consulted with is not sufficient; you must also indicate what they have said.

If you have not consulted anybody, explain why consultation was not necessary.

Cabinet Secretariat Analysts may contact parties you have already consulted with (or additional parties) to get a better understanding of their views on an issue.

Proposal Summary

Briefly describe the solution that the Minister is recommending for the problem identified at the beginning of the paper. You may also wish to explain how the proposed solution will resolve or address the problem.

Tips:

Do not include details of how the proposed decision will be implemented here; you only need to describe what is being proposed and how it will resolve the problem.

If the Minister is seeking Cabinet approval for a specific implementation plan, summarize the main actions here and attach the plan as an appendix.

Similarly, if the Minister is proposing that Cabinet approve a policy, strategy or document, briefly summarize its main points here. Do not simply say that the Minister is proposing approval of the attached plan, document, etc.

This is the only section where it is appropriate to include arguments explaining how the proposal resolves the problem.

Communications Summary

Successfully implementing the proposed decision will likely require that reasons for the decision and its details be communicated to, and support be sought from, a variety of audiences, including staff, MLAs, other governments, special interest groups and the public. Use this section to briefly describe how the proposed decision will be communicated to ensure it is successfully implemented.

This section should include the following key information:

- communications problem or issue;
- communications purpose and goals;
- key messages and spokespersons;
- strategic considerations; and
- target audiences and expected reactions.

Simple plans may be described entirely in this section. Longer plans addressing more complex decisions may be attached to the decision paper as an appendix and briefly summarized here.

The Deputy Secretary of Corporate Communications and Protocol is responsible for advising Cabinet and FMB on the communications implications of submissions and will review all Cabinet submissions for communications issues. Any issues identified will be included in the Cabinet Secretariat assessments (pinks).

For further information on developing communications plans for Cabinet submissions, contact the Deputy Secretary of Corporate Communications and Protocol in the Department of Executive.

Tips:

Almost all Cabinet decisions will require some internal and/or external communications. If you are not proposing communications activities, use this section to explain why.

Communications plans should focus on linking the decision to the GNWT's overall strategic priorities and explaining how it will benefit NWT residents, plans should not focus on announcing or explaining administrative details.

It is not sufficient to just list the planned communications activities. Your summary should identify how the planned activities will achieve your communications goals.

Factors

Cabinet needs to know whether or not the proposed decision will have any significant implications or consequences for the GNWT. Use this section to identify any major factors that Cabinet should consider when making the requested decisions. The following categories include the most common factors that Cabinet needs to consider and should be present in all decision papers.

Political

Will the decision have political implications for the GNWT? For instance, will it be supported (or opposed) by MLAs, Aboriginal governments or community governments? Will the decision have an effect on relations with the federal, provincial or other territorial governments?

Social

Have the potential social impacts of the proposed decision been considered? How will the decision affect or improve social conditions at the community, regional or territorial level?

Legal

Will there be any legal implications, such as a need for new or amended legislation or regulations? Will the decision affect the outcome of pending or ongoing legal action?

Financial

Will it cost anything to implement the proposed decision? Will there be any cost implications if Cabinet does not approve the proposed decision? Will costs be covered from within or will the Department need to request funding from the FMB? If a separate request on this issue has gone to FMB, it should be mentioned here.

Interdepartmental

Will the proposed decision have an impact on other departments? If it will, have the other departments been consulted or involved in the preparation of this decision paper? What have they said about the proposal? Concerns or support from other departments should be noted in this section.

Other

Other important factors that Cabinet should consider may be noted in this section.

Tips:

Listing all of the categories in your decision paper, if only to state that "no implications have been identified" helps assure Cabinet that all important considerations have been taken into account.

Departments are free to include any other categories of factors that are necessary.

Factors are not arguments for or against the decision, they should be simple statements of fact about known or reasonably anticipated actions related to the proposal.

Recommended Decision

State the recommendations being made to Cabinet to resolve the problem you have identified and which are consistent with the analysis and proposal summary presented in the submission. Try to be as specific as possible to avoid any ambiguity or uncertainty.

Tips:

Be specific and complete. Cabinet does not give general approval (e.g., approve a decision paper), but issues specific direction based on your recommendations. Make sure your recommendations include all the specific directions you would like Cabinet to give.

Cabinet does not generally give approval-in-principle; you should only be including final direction in your recommendations. Use the Ministerial Initiative or Options Paper format if you need Cabinet to provide preliminary direction on a proposed action or activity.

RODs must be complete and stand on their own. Do not make reference to something outlined in the paper in your recommendation (e.g., "direct the Minister to proceed as outlined above").

Cabinet only has the authority to direct Ministers, not civil servants. Do not include direction for departments or staff in your recommendations.

If you have any doubts, your Cabinet Secretariat Analyst is always available to provide feedback on your draft recommendations.

Example

CONFIDENTIAL

DECISION PAPER
TITLE

PROBLEM

PRINCIPLES

BACKGROUND

CONSULTATION

PROPOSAL SUMMARY

COMMUNICATIONS SUMMARY

FACTORS

Political
Social
Communications
Legal
Financial
Interdepartmental
Others

RECOMMENDED DECISION

_____
Minister

_____
Date

Options Paper

Similar to a Decision Paper, an Options Paper is prepared when a Minister requires Cabinet direction to resolve a specific problem. However, unlike a Decision Paper, the Minister does not recommend a specific solution to the problem, but instead outlines two or more potential options that Cabinet may select from.

While there are often several options for resolving many of the problems brought to Cabinet's attention, usually Ministers are able to identify and recommend a single preferable solution in a Decision Paper. Established GNWT priorities and policies help in this process by providing guidance on what makes an acceptable solution (i.e., a solution that is compatible with existing direction and commitments). In some instances, however, no clear solution will exist, either because there is no established line of policy on the matter or because potential solutions address different policy objectives which conflict with each other. In these situations, an Options Paper may be used to seek direction from Cabinet on the various options.

Options Papers are not meant to help a Minister make routine decisions or to make decisions within his or her authority. They should only be used in those situations where Cabinet authority is normally required. If there are particular sensitivities around an issue within a Minister's authority, he or she may wish to have an Information Item prepared for Cabinet's consideration. This will give the Minister the opportunity to get advice and solicit support from other Ministers, but will not fetter the Minister's authority by having Cabinet give inappropriate direction.

Each Options Paper should include a concise discussion of the issue and an analysis of each available option. Options Papers are assessed by Cabinet Secretariat.

Outline and Contents

Problem

See Decision Paper format for information.

Principles

See Decision Paper format for information.

Background

See Decision Paper format for information.

Consultation

See Decision Paper format for information.

Options

Briefly describe each of the options that have been developed as possible ways to address the problem identified at the beginning of the paper. You may wish to describe how each option will resolve the problem, as well as describe the potential advantages and disadvantages of each option.

Tips:

Cabinet decisions should be consistent with overall GNWT priorities and policies (i.e., they should exhibit policy coherence). Try and describe how each option meets existing GNWT policy objectives.

Do not include details of how each proposed option will be implemented if selected; you need only describe what is being proposed in each case and how it will resolve the problem.

If the options require Cabinet approval of a specific implementation plan, summarize the main actions for each and attach the plans as appendices.

If the options require Cabinet approval for a policy, strategy, document or agreement, briefly summarize its main points here. Do not simply state that the Minister is proposing approval of the attached plan, document, etc.

This is the only section of the paper where it is appropriate to include arguments explaining why each option is an appropriate solution to the stated problem.

Communications Summary

Summarize how each option will be communicated. See Decision Paper format for information.

Factors

See Decision Paper format for information.

Recommendations

State the options being presented to Cabinet to resolve the problem identified at the beginning of the paper. The option that is selected will be reflected in a Cabinet ROD, so try to make each option as clear and specific as possible to avoid any ambiguity or uncertainty.

Generally, the different options presented to Cabinet in an options paper meet different, and sometimes conflicting, GNWT policy objectives. To help Cabinet select an option, it is useful to present each option as an "if, then" statement that clearly links it to the particular policy objective it fulfills, as in the example below:

If the Executive Council believes that it is more important to travel quickly, than to travel privately, then it is recommended that the Executive Council travel by scheduled aircraft.

OR

If the Executive Council believes that it is more important to travel privately than to travel quickly, then it is recommended that the Executive Council travel by automobile.

Tips:

Be specific and complete. Cabinet does not give general approval (e.g., approve a decision paper), but issues specific direction based on your recommendations. Make sure your recommendations include all the specific directions you would like Cabinet to give.

Cabinet does not generally give approval-in-principle; you should only be including final direction in your recommendations. Use the Ministerial Initiative or Options Paper format if you need Cabinet to provide preliminary direction on a proposed action or activity.

RODs must be complete and stand on their own. Do not make reference to something outlined in the paper in your recommendation (e.g., "direct the Minister to proceed as outlined above").

Cabinet only has the authority to direct Ministers, not civil servants. Do not include direction for departments or staff in your recommendations.

If you have any doubts, your Cabinet Secretariat Analyst is always available to provide feedback on your draft recommendations.

Example

CONFIDENTIAL

OPTIONS PAPER
TITLE

PROBLEM

PRINCIPLES

BACKGROUND

CONSULTATION

OPTIONS

COMMUNICATIONS SUMMARY

FACTORS

Political
Social
Communications
Legal
Financial
Interdepartmental
Others

RECOMMENDED DECISION

_____
Minister

_____
Date

Information Item

Information Items are prepared when a Minister wishes to advise his or her Cabinet colleagues of a planned decision or activity that does not require Cabinet's approval. Often a Minister will submit an Information Item when faced with a politically sensitive issue for which he or she would like Cabinet's advice, but does not need Cabinet direction. Information Items may also be submitted to advise Cabinet of documents or reports being released by a Minister, to update them about ongoing initiatives or where required by certain rules (e.g., the rules for appointments to boards and agencies).

Information Items are not normally assessed by Cabinet Secretariat, although they may be if the Minister is proposing action that requires Cabinet authority. Information Items are subject to the five working day submission deadline.

Please note that Cabinet does not normally issue RODs based on an Information Item unless a recommended decision has been included in a pink attached to the Information Item. In most cases, Cabinet will simply "accept" an Information Item. This does not mean that Cabinet has approved or authorized a particular decision or initiative outlined in the Information Item. If the Minister wishes to receive Cabinet authorization or approval, a Decision Paper must be prepared instead of an Information Item.

Outline and Contents

Purpose

Briefly indicate why the Information Item is being submitted to Cabinet.

Summary

Summarize the key points that the Minister wishes Cabinet to know. If the Information Item is being used to cover a longer document or report, you should summarize the main themes or points of that document here and attach the document to the information item.

Example

CONFIDENTIAL

INFORMATION ITEM

TITLE

PURPOSE

SUMMARY

_____
Minister

_____
Date

Discussion Paper

The discussion paper format may be used when a Minister wishes to engage his or her Cabinet colleagues in a focused discussion on an identified issue. Unlike other submission formats, however, a Discussion Paper is unique in that it is not used to propose particular actions for Cabinet approval (as with Ministerial Initiatives, Decision Papers and Options Papers) or to report on something a Minister plans to do under his or her own authority (as with an Information Item).

Cabinet will not normally issue a ROD when it has considered a Discussion Paper, but the resulting discussions may provide a Minister with additional information or views that will be useful if he or she needs to return with a formal proposal for Cabinet or FMB direction.

Cabinet Secretariat will not normally assess Discussion Papers, however, these submissions are still subject to the normal ten working day submission deadline.

Outline and Contents

Issue

Briefly summarize the issue or question to be discussed.

Tips:

Focus clearly on the specific issue. Cabinet needs to know immediately why a matter is being brought to them.

Do not include any background in the issue statement.

Do not anticipate Cabinet's discussion by including proposed solutions.

Current Status

Briefly describe the situation as of the time of writing. Limit this section to an objective statement of the facts and avoid prejudicing the discussion by presenting the situation in terms of a problem that needs to be resolved.

Tip:

If a specific problem has been identified and can be described, consider another type of submission (e.g., Decision Paper, Options Paper, Legislative Proposal).

Background

Use this section to summarize the significant events, decisions and other details that have contributed to the identified issue. Be brief, but ensure that all relevant significant material is included in the submission so Cabinet can get a quick understanding of the issue and concerns.

Tips:

Shorter is always better – detailed history, research data, facts and figures may be included in an appendix to the submission.

Include a brief mention of any previous relevant Cabinet or FMB direction. Use dates to identify previous direction; do not include ROD numbers.

Identify previously expressed concerns or complaints that should be discussed.

Comments

Having identified the issue, clarified the current status and summarized the background, identify (usually brief, bullet-form) points that should be considered and will contribute to the discussion.

Bear in mind that the objective of the submission is not to argue in support of a particular action, but rather to encourage informed discussion of the issue.

Tips:

Consider the factors categories used in the Decision Paper format, but do not be bound by these categories for the comments section.

Shorter is better – detailed history, research data, facts and figures may be included in an appendix.

If the temptation is to identify or argue for a particular action or solution, you probably should consider another type of submission normally used for making recommendations to Cabinet (i.e., Decision Paper, Options Paper or Legislative Proposal).

Example

CONFIDENTIAL

DISCUSSION PAPER
TITLE

ISSUE

CURRENT STATUS

BACKGROUND

COMMENTS

_____
Minister

_____
Date

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Section IV - Appendices

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Appendix 1:
Process Convention for Standing Committee Review of Legislative Proposals

PROCESS CONVENTION

Standing Committee Review of Legislative Proposals

Application

The process convention is not intended to govern *Appropriation Acts*, *Supplementary Appropriation Acts*, *Write-off of Debts Acts*, *Forgiveness of Debts Acts*, *Loan Authorization Acts*, *Miscellaneous Statutes Amendment Acts*, or any other legislative initiative (e.g., taxation measures) for which legislative proposals are not normally required by Cabinet.

General Consideration

It is in the interests of consensus government that Standing Committees are provided with an opportunity to review legislative proposals and provide advice to the Government in advance of Cabinet decisions.

Legislative proposals are Cabinet documents that must be kept confidential. Cabinet also reserves the right to keep a legislative initiative confidential up to the time that a bill is introduced in the Legislative Assembly.

While Cabinet decisions on legislative proposals are pending, individual Ministers are not in a position to make any commitments regarding the initiative. All advice and other communication from Standing Committees should therefore be addressed to the Government House Leader, who has overall responsibility for the Government's legislative agenda.

In consideration of the limitations noted above, Standing Committee review of legislative proposals may not be a conclusive exercise in terms of reaching full agreement prior to the introduction of a bill in the Legislative Assembly. The Committee's advice will guide the government in determining the advisability of proceeding.

Nothing in this process convention precludes Cabinet's prerogative to introduce bills in the Legislative Assembly or the right of Committees and Regular Members to debate these bills.

Process

(1) A legislative proposal is prepared, signed by the Minister responsible and submitted to Cabinet via the Cabinet Secretariat.

(2) At the discretion of the Government House Leader or upon request from the sponsoring Minister, a legislative proposal may be reviewed by Cabinet before it is referred to Standing Committee. Regardless, Cabinet will not approve a legislative proposal before comments have been received from a Standing Committee.

(3) The legislative proposal is forwarded by the Government House Leader to the Chair of the appropriate Standing Committee. The sponsoring Minister is copied on this correspondence. The Standing Committee on Accountability and Oversight (AOC) will also be copied on this correspondence if the legislative proposal is being referred to a different Standing Committee.

(4) The Standing Committee reviews the legislative proposal. The Minister and officials may be invited to this meeting to provide additional information. However, it is understood that the legislative proposal is a Cabinet document and that the Minister cannot make changes to the proposal or make any commitments regarding the content of a bill.

(5) Standing Committee advice on a legislative proposal is provided in a letter from the Committee Chair to the Government House Leader. The sponsoring Minister is copied on this correspondence.

(6) Upon receipt of Standing Committee advice and the completion of an assessment report by central agencies, the Government House Leader will arrange for the legislative proposal to be put before Cabinet for final consideration. The proposal, assessment report and Standing Committee letter goes before Cabinet as a package.

(7) Decisions on legislative proposals are reflected in a status report on legislative initiatives that is provided to the Chairs of AOC, Social Programs, and Governance and Economic Development on a regular basis.

Appendix 2:
Process Convention for Standing Committee Review of Proposed Policy Initiatives

PROCESS CONVENTION

Standing Committee Review of Proposed Policy Initiatives

Application

Proposed policy initiatives subject to this convention are those policies considered for approval by the Commissioner in Executive Council and the signature of the Premier. This would include both the establishment of new policies and substantive amendments to, or rescinding of, existing policies. This process convention does not apply to minor administrative amendments, which will not significantly impact established policy commitments.

General Consideration

It is in the interests of consensus government that Standing Committees are provided with an opportunity to review proposed policy initiatives and provide advice to the Government in advance of Cabinet decisions.

These policy initiatives are proposed statements of the government's commitment to the public and must be kept confidential until approved by Cabinet.

Process

(1) A proposed policy initiative is prepared, signed by the Minister responsible and submitted to Cabinet via the Cabinet Secretariat.

(2) Cabinet considers the proposed policy initiative. The only decision made at this time is whether or not the proposed policy initiative should be referred to Standing Committee for review and comment.

(3) If approved for referral to Standing Committee, the proposed policy initiative is referred by the Premier to the Chair of the appropriate Standing Committee. The letter of transmission includes an indication of a preferred date for Cabinet consideration of the initiative so that the Standing Committee will have an understanding of the time frame for providing comments. The Minister responsible is copied on this correspondence. The Standing Committee on Accountability and Oversight will also be copied on this correspondence if the proposed policy initiative is being referred to a different Standing Committee.

(4) The Standing Committee reviews the proposed policy initiative. The Minister and officials may be invited to this meeting to provide additional information. However, it is understood that the proposed policy initiative is a Cabinet document and that any recommendations or advice regarding modifications to the proposed policy initiative must be provided in the form of a letter from the Standing Committee Chair back to the Premier. The Minister responsible is copied on this correspondence.

(5) The Premier, following consultations with the Minister responsible for the original policy initiative, then makes a subsequent submission to Cabinet advising of any concerns raised by Standing Committee and recommending actions for Cabinet's consideration. The proposed policy initiative is received by the Cabinet Secretariat and the Cabinet Secretariat prepares an assessment of the initiative.

(6) Cabinet considers the proposed policy initiative, along with Standing Committee comments and Cabinet Secretariat assessment.

(7) The Premier advises the Standing Committee Chair of Cabinet's decision with respect to the proposed policy initiative.

Appendix 3:
Process and Format for Joint Submissions to the Executive Council and Financial Management Board

Process and Format for

JOINT SUBMISSIONS TO THE EXECUTIVE COUNCIL AND FINANCIAL MANAGEMENT BOARD

Background

The Executive Council (Cabinet) is responsible for the overall management and direction of the executive branch of government, including setting government policy and priorities and providing overall direction to the public service.

The Financial Management Board (FMB) is responsible for the management and control of the financial, human and information resources of the Government of the Northwest Territories.

Both Cabinet and FMB also have specific authorities and responsibilities assigned through legislation, policy and directives.

Cabinet and FMB each have their own submission process and formats; however at times issues arise which require direction from both Cabinet and FMB. On such occasions a joint submission to both bodies may be appropriate.

Criteria

A joint submission may be appropriate when:

- The submission addresses significant and interrelated policy, financial, organizational or human resource issues requiring both Cabinet and FMB direction.
- An initiative requires the approval authority of both Cabinet and FMB as established in legislation, Cabinet approved policy or FMB directive.
- A submission requires *immediate* direction from both Cabinet and FMB and the submission presents sufficient background and information for both Cabinet and FMB to make an informed decision.
- The submission is prepared in response to earlier Cabinet or FMB direction to return to both Cabinet and FMB.

Note: Where it is judged more appropriate to make two separate submissions as opposed to one joint submission, each submission should reference that there is a concurrent FMB or Cabinet submission or that a subsequent FMB or Cabinet submission will be brought forward at a later date.

Submission Process

1. Department should consult with both FMBS and Cabinet Secretariat staff to ascertain whether it would make sense to develop a joint submission.

2. If a joint submission is considered appropriate, departmental staff can work with both FMB analysts and Cabinet Secretariat advisors in the development of the draft joint submission.

3. Joint submissions should be prepared in accordance with the attached format.

4. Once a submission has been approved, two copies should be signed by the Minister (or Ministers) responsible.

5. One of the original signed submissions should be transmitted, under the Minister's signature, to the Chair of the FMB and copied to the Secretary of the FMB. The other original signed submission should be transmitted, again under the Minister's signature to the Premier and copied to the Deputy Secretary to Cabinet. Twenty copies of the submission, and all attachments, should also be forwarded to the Cabinet Secretariat.

6. The deadline for joint submissions is **10 working days** before the next Cabinet/FMB meeting. Submissions not received before the deadline will be deferred until the following Cabinet /FMB meeting.

Assessment Process

1. FMB analysts and Cabinet advisors will collaborate and develop a joint assessment, working with the department to clarify and discuss outstanding issues. A copy of the assessment format is attached.

2. The nature of the joint submission and respective workloads will determine whether the FMB analyst or the Cabinet advisor will take the lead in drafting.

3. Joint assessments will be submitted for approval and signature of both the Secretary to Cabinet and the Secretary of the FMB.

4. Joint submissions will be placed on the Cabinet and FMB agendas as deemed appropriate by the Chairs. Ministers will be advised by one of the Chairs should the decision be made not to place a submission on the agenda. In most instances, a joint submission would be the last item on the Cabinet agenda and the first item on the FMB agenda.

5. Pending Cabinet and FMB direction, both a Cabinet and FMB Record of Decision (ROD) will be produced. Each ROD will make reference to the other.

6. The discussion at the joint Cabinet/FMB meeting will be captured in both Cabinet and FMB minutes.

JOINT EXECUTIVE COUNCIL/FINANCIAL MANAGEMENT BOARD
DECISION PAPER

TITLE

(Where a submission involves significant financial considerations, it may be appropriate to include a table summarizing the following:

DOLLARS:	
DEPARTMENTS:	VOTE:
ACTVITIES:	REGIONS:
FISCAL YEAR:	FUNDING SOURCE:

PROBLEM/PURPOSE
(A concise statement of the issue or initiative requiring Cabinet and FMB's consideration.)

BACKGROUND
(A summary of the events that have led to the need to seek Cabinet/FMB direction.)

PROPOSAL SUMMARY
(Describe the recommended course of action.)

FACTORS

i) **Political**
ii) **Legal**
iii) **Financial**
iv) **Interdepartmental**
v) **Labour Relations**
vi) **Other**

CONSULTATION
(Identify all agencies, organizations, and individuals consulted and their views on the problem or the recommended decision.)

RECOMMENDED DECISION
(State the recommended decision(s) for which Cabinet approval and/or FMB approval is sought. The language used should be as close as possible to what the department(s) would like to see expressed in the Cabinet and FMB RODs.)

PUBLIC RELATIONS

(Specify any public relations considerations or strategies related to the recommended decisions.)

---

*For general information on what is to be addressed in Cabinet/FMB submissions, see the *Executive Committee Systems Handbook* and the *Financial Management Board Handbook*.

EXECUTIVE COUNCIL and FINANCIAL MANAGEMENT BOARD
ASSESSMENT REPORT
Prepared by the Cabinet and Financial Management Board Secretariats

(Submitting Department):
(Submission Title)

BACKGROUND

(A brief synopsis of the Minister's proposal and the relevant background.)

ISSUES/COMMENTS

(Issues identified and comments offered by the Cabinet and Financial Management Board Secretariats.)

RECOMMENDED DECISIONS

(Decisions recommended by the Cabinet and Financial Management Board Secretariats.)

Secretary to Cabinet	Secretary of the Financial Management Board

Appendix 4:
Guidelines and Format for Recommending Direct Appointments

Executive Council
Guidelines and Format for Submissions Recommending Direct Appointments

The following guidelines apply to direct appointments to the public service.

Guidelines

(1) Cabinet approval is required prior to any direct appointments to the public service.

(2) Cabinet approval for a direct appointment may be sought in the following circumstances:

(a) to support the career development of long-term employees (i.e., one with five or more years of service) who have demonstrated both ability and commitment to the organization;

(b) to support the advancement of an existing employee who has successfully completed formal training/preparatory assignment directly related to the proposed appointment;

(c) when a direct appointment would ensure that specialized and unique experience is retained within the public service;

(d) to resolve an undesirable work situation (e.g., marriage between two employees in a supervisor/subordinate relationship);

(e) to obtain necessary managerial, technical or operational expertise that is not currently available within the Government of the Northwest Territories;

(f) to support the career development of an affirmative action candidate from outside the public service where an open competition would not be an appropriate way of filling the position;

(g) to fill a position when recent recruitment practices for similar positions indicate that an open competition would be unproductive;

(h) to fill a position when there is reasonable and sufficient evidence to suggest that other candidates could not successfully compete with the proposed candidate;

(i) to support the training and development of an individual where a position has been difficult to fill and the only potential candidate requires some time in a trainee capacity to reach the appropriate skill level; and

(3) When alternative methods of staffing such as open competition and limited competition have been considered and determined to be inappropriate.

(4) Direct appointments may also be requested for extraordinary circumstances such as:

(a) appointment of individuals hired on a term basis for Ministerial staff positions;

(b) appointment of individuals when an outside agency or group becomes part of the public service and the status of existing staff needs to be confirmed;

(c) appointment of individuals to positions that provide direct administrative support to deputy heads; and

(d) appointment of individuals that provide dedicated policy support and analysis services directly to a deputy head.

(5) The attached format should be followed when developing a decision paper seeking Cabinet approval for a direct appointment.

(5) The Department of Human Resources is required to review the draft decision paper prior to it being submitted for Cabinet consideration.

Premier and Chairman of the
Executive Council

DECISION PAPER FORMAT FOR
APPOINTMENT TO THE PUBLIC SERVICE WITHOUT COMPETITION
OF [NAME OF INDIVIDUAL]

PROBLEM

The open competition process is not expected to maximize benefits to the Government of the Northwest Territories with respect to the staffing of [position title].

BACKGROUND

The background section should address:

(a) the name of the individual proposed to be direct appointed and the proposed position;

(b) the department, division and location/community of the position;

(c) the kind of position (term, indeterminate, seasonal) and the pay level;

(d) whether this is a new or existing position;

(e) current status of the individual (employee or not, employment status);

(f) affirmative action status of the individual;

(g) events leading to this direct appointment request (was the individual acting in this position, was there a previous unsuccessful competition, are there factors within the work environment that support this request);

(h) what alternative methods of staffing were considered and why they were deemed inappropriate;

(i) explanation of how this appointment would be consistent with the career development of this individual;

(j) explanation of how this appointment would benefit the public service;

(k) description of the labour market for this particular position – have competitions been run? Is there a pool of available candidates?

(l) are there other individuals who may feel they should have been given the opportunity to apply on this position?

FACTORS

Political:	Describe, if any, the potential political ramifications of this request.
Financial:	Are there costs to the government if this individual is not direct appointed?
Specific Benefits:	Identify the specific benefits to the public service as a consequence of direct appointing this individual as opposed to conducting an open competition.
Alternative Staffing:	Why were the alternative staffing methods considered deemed inappropriate?
Consultation:	Has the Department of Human Resources reviewed a draft of the submission?

RECOMMENDATION

That Cabinet recommend to the Minister Responsible for the Public Service that [name of individual] be directly appointed to the position of [position title] (position number) with [department name] in [location] on an [indeterminate or term with end date of term] basis.

_____

Minister
[name of department]

Appendix 5:
Format for Executive Council Submissions Recommending Authorization to Negotiate Contracts Under the Negotiated Contracts Policy

Format for Executive Council Submissions Recommending
Authorization to Negotiate Contracts
Under the Negotiated Contracts Policy (11.26)

DECISION PAPER

Negotiated Contract for [description of work] in [community(ies)]

PROBLEM

Contract regulations pursuant to the *Financial Administration Act* provide that only Cabinet may enter into or direct a contract authority to enter into a contract outside of competitive or sole-source contracting processes.

[Contractor(s)], of [community], has requested a negotiated contract for [description of work and dates] arguing that a negotiated contract would provide opportunities to improve the skills and experience of residents and northern businesses or realize economic benefits for residents, the community or region, which would not be provided or realized through a competitive contract process.

BACKGROUND

The background section should address:

- the decision to contract for the proposed services (reasons for contracting for the goods or services, history of comparable contracting, whether the proposed activities are identified in business plans, allocated budgets, etc.);
- events leading to the request that the contract be negotiated;
- the specific benefits to be achieved from negotiating the contract which would not be achieved through a competitive contract process;
- the proposed contractor's standing as a northern business as defined by the Business Incentive Policy;
- the proposed contractor's ability to fulfil the contract (past experience, etc.);
- a listing of all other GNWT contracts the proposed contractor has been awarded either through negotiated or public processes (i.e., term of the contract, type of service, etc.);

- the involvement, if any, of a subcontractor or partner who would not qualify as an eligible contractor under the Negotiated Contracts Policy;

- whether there are other businesses that might be interested if the contract was publicly tendered;

- compliance with, or requirements to make an exception to, any applicable Executive Council approved policies; and

- compliance with, or requirements to make an exception to, any Executive Council approved intergovernmental agreement.

PRINCIPLES

1. Negotiated contracts should contribute to the support and development of self-sustaining businesses at the local and regional level.

2. Goods and services obtained by the Government of the Northwest Territories through contracts shall be provided at a reasonable cost.

PROPOSAL SUMMARY

To waive the competitive contract process and authorize negotiations with [contractor(s)], of [community], for [description of work and dates] in order to achieve [identify specific benefits to residents, northern business, community or region].

FACTORS

i) <u>Political</u>

The [municipal corporation(s) or band council(s)] of [community(ies)] and [any regular MLA(s) representing the community(ies)] have provided their written support for the [contractor(s)] request to negotiate a contract for the [description of work]. Copies of the letters of support are attached.

ii) <u>Financial</u>

Should address:

- the total cost which the proposed contract should not exceed,
- how the total cost was estimated,
- the estimated cost of the contract if it were to go to a competitive process,
- whether or not the proposed contract can be supported within existing budget allocations; and

In the case of multi-year contracts, the financial section should also address:

- the estimated annual per unit costs; and
- where applicable, the basis upon which contract cost adjustments will be negotiated.

iii) Specific Benefits

Identify the specific benefits to be achieved as a consequence of negotiating the contract as opposed to using a competitive contracting process.

CONSULTATION

Indicate the results of any public or interdepartmental consultation undertaken in the development of the decision paper.

PUBLIC RELATIONS

Upon successful negotiation and award of the negotiated contract, the Minister of [department] shall give public notice of the awarding of the contract and the reasons for negotiating the contract rather than using the competitive contracting process. Notices shall be placed in the local newspaper serving the community in question. In the absence of a local newspaper, notices shall be placed in a territorial newspaper available in the community in question. French language notices shall be placed in the territorial French newspaper.

All notices must follow the GNWT Visual Identity Program guidelines.

CONCLUSION

The Minister of [department] should be authorized to enter into negotiations with [contractor(s)] for [description of work and dates] and to award the contract provided that the total amount of the negotiated contracts does not exceed [$ total].

RECOMMENDATIONS

It is recommended that, in order to achieve [identify specific benefits to residents, northern business, community or region]:

(1) the Minister of [department] be authorized to enter into negotiations with the [contractor(s)] for the [description of work] in [community(ies)] for the [period] [with any option years if applicable];

(2) further to paragraph (1) above, the Minister of [department] be authorized to award the negotiated contract to the [contractor(s)] provided the amount of the negotiated contract does not exceed [total cost];

(3) further to paragraph (2) above, if the amount of the contract exceeds [total cost], the Minister of [department] return to Cabinet for further consideration of the proposed negotiated contract;

(4) subject to (2) above, the Minister of [department] be directed to give public notice of the awarding of the negotiated contract consistent with the attached announcement;

(5) direct the Minister of [department] to submit to Cabinet:

(a) upon the awarding of the contract, the:

- scope of the contract
- name of the contractor
- location of contract
- total contract value
- fiscal year of contract
- duration of contract if multi-year
- benefits analysis
- the total estimated premium (if applicable); and

(b) upon completion of the contract, or at the end of each year of a multi year contract, a report on the contract including benefits achieved that might not have been achieved if the contract had been awarded through a competitive process.

NOTICE OF AWARD

The Minister of [department] has awarded a contract to [contractor(s)] for the [description of work] in [community(ies)] for the [period] for an amount not to exceed [total cost].

This contract has been negotiated and awarded under the authority of the Executive Council so as to [identify specific benefits to residents, northern business, community or region].

Appendix 6:
Procedures and Format for the 16th Legislative Assembly

Procedures and Formats for the 16th Legislative Assembly

Prepared by
Legislation and House Planning
Department of Executive
Government of the Northwest Territories
March 2008

How to Get it Done During Session

This manual has been created to help you get your Minister's paper through the system quickly and efficiently.

The procedures and formats in this manual have been developed in accordance with Executive Council direction, Rules of the Legislative Assembly and the conventions of the House.

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GENERAL INFORMATION

Legislation and House Planning Division

The Legislation and House Planning Division:

- provides advice to Cabinet, the Government House Leader and departments on the development of government legislation;
- provides administrative support services to Cabinet, the Government House Leader and departments during sessions of the Legislative Assembly.

We provide a focal point for all paper flowing through the Legislative Assembly (or House) from the Ministers and their departments. (i.e. Ministers' Statements, Tabled Documents, Returns to Questions, Opening Remarks to Department Budgets, Bills, etc.)

We provide Ministers with the text for readings of Bills in the Legislative Assembly and track progress of Bills, from proposal stage to assent in the House.

We monitor Question Period, provide daily statistics, process all returns and follow-up on all outstanding returns.

We provide advice to Cabinet and Minister's Offices on Legislative Assembly procedures and requirements.

We supply the required forms for Legislative Assembly documents (i.e. Return to Oral Questions, Response to Petitions, etc.)

We provide administrative support for the GNWT's legislative agenda. As well, the Legislative Coordinator is the Chair of the Legislative Initiatives Committee (LIC) who reviews all legislative proposals and bills and prepares assessment reports and recommendations for Cabinet.

We co-ordinate our activities with sessional support services provided by the Office of the Clerk and collaborate on the development of sessional planning documents. Legislation and House Planning produces, in co-operation with the Clerk's Office, a daily listing of House Business for the Speaker and Ministers.

Cabinet House Strategy

Cabinet House Strategy (CHS) is a brief meeting held each morning during session to review Ministers' Statements and other documents as required in preparation for that day's business in the House. This is not a formal Cabinet meeting. CHS meets daily during session at 9:00 a.m. in the Cabinet Meeting Room. In attendance at CHS meetings are: the Premier, Ministers, Secretary to Cabinet, Principal Secretary, Secretary of the FMB, Legislative Coordinator, Deputy Secretary to Cabinet, Deputy Minister of Justice, Communications Coordinator and other officials as required.

Legislation and House Planning is responsible for preparing the CHS agenda and materials daily during session. For any items that require review in CHS, please provide an original and 16 double-sided copies to the Legislative Coordinator, who will ensure the item is on the agenda.

Sessional materials that **must** be reviewed by Cabinet:

- Ministers' Statements
- Opening Remarks to Department Budgets
- Responses to Standing and Special Committees

Other sessional materials that **may** warrant Cabinet review (depending on the issues associated with the item):

- Tabled Documents
- Returns to Questions
- Opening Remarks to Bills
- Responses to Petitions

Note: see also the section entitled "Session Protocols and Conventions" below.

Minister's Daily House Business Folders

The Minister's Daily House Business Folder contains the daily House Business listing and all pertinent information and documents that the Minister will require for that day's business in the House. For example, if the Minister is giving a statement that day it will be highlighted on the House Business list and a copy of the statement for the Minister to read will be included in the House Business Folder. This procedure is followed for all items relevant to that particular Minister. The books are prepared by the Legislative Officer and placed directly on the Minister's desk in the Chamber prior to the commencement of each day's sitting.

Session Protocols and Conventions

There are protocols and conventions governing session activities that have been established over the years by different Cabinets. The existing Cabinet direction for session protocols and conventions is as follows:

1. ***Cabinet House Strategy Meetings*** *– Cabinet usually meets every morning during session to review issues and materials and generally prepare for the business of the House that day.*

2. ***Cabinet Approval of all Bills*** *– All Bills (complete with French translation) must be approved by formal Cabinet decision prior to introduction.*

3. ***Ministers' Statements*** *– All Ministers' Statements must be reviewed and approved by Cabinet prior to delivery. As well, Ministers' Statements should be developed in accordance with established guidelines.*

4. ***Opening Remarks to Department Budgets*** *– All opening remarks to department budgets must be reviewed and approved by Cabinet prior to delivery. (Copies of opening remarks are distributed to Members in the House when the Minister begins delivery.)*

5. ***Returns to Questions*** *– Returns to questions on politically sensitive, controversial, or multi-departmental topics should be reviewed by Cabinet before delivery. All returns ready for delivery are placed in the Cabinet House Strategy agenda for Cabinet's information.*

6. ***Opening Remarks to Bills*** *– Ministers are encouraged to bring opening remarks for politically sensitive or controversial bills to Cabinet for review. (Copies of opening remarks are distributed to Members in the House when the Minister begins delivery.)*

7. ***Tabled Documents*** *– Documents that are controversial, politically sensitive or documents that commit the Executive Council to something should be submitted for Cabinet review prior to tabling. All documents submitted for tabling are placed on the Cabinet House Strategy agenda for Cabinet's information.*

8. ***Members' Statements*** *– Although there is no requirement for Cabinet review of a Member's Statement given by Ministers, Ministers are encouraged to advise Cabinet when they are going to make a Members' Statement. It is expected that Ministers will not speak to government policy in a Members' Statement.*

9. ***Replies to the Opening Address / Budget Address*** *– Ministers are encouraged to advise Cabinet when they wish to make a Reply to the Budget Address or the Opening Address.*

10. ***Responses to Committee Reports/Recommendations*** *– Cabinet must approve all Responses to Committee Reports before they are tabled in the House. Responses should be brought to Cabinet as a decision item as per the usual process.*

11. ***Ministers' Absences During Session*** *– All absences from the House during session must be approved by the Premier in advance. Usually the only type of travel that is authorized is to attend Federal/Provincial/Territorial Ministers' meetings or equally important events. (A 'Ministers' Absence' calendar is provided regularly to the Standing Committee on Priorities and Planning during session and the Premier advises the House of Ministers' absences in a Minister's Statement.)*

12. ***Ministers' Attendance in the House*** *– All Ministers are expected to be in the House during formal session. (A 'House Duty Roster' is used to ensure that a minimum number of Ministers are in the House during Committee of the Whole.)*

13. ***Legislative Agenda*** *– A listing of potential legislative initiatives is provided by the Government House Leader to the Chairs of the Standing Committees (Priorities and Planning; Government Operations; Economic Development and Infrastructure; Social Programs) periodically.*

14. ***Requirement for Legislative Proposals*** *- Although Cabinet must formally approve all Bills before their introduction; FMB has the authority under the Financial Administration Act to approve the entire content of financial Bills. As well, the Miscellaneous Statutes Amendment Act is, by definition, a non-controversial and non-substantive initiative. Therefore, Legislative Proposals for the following types of Bills are not required:*

    - *Appropriation Acts*
    - *Supplementary Appropriation Acts*
    - *Write-off of Debts Acts*
    - *Loan Authorization Acts*
    - *Forgiveness of Debts Acts*
    - *Taxation Acts (i.e. changing existing tax rates)*
    - *Miscellaneous Statutes Amendment Acts*

15. ***Standing Committee Review of Appropriation and Supplementary Appropriation Acts*** *- Current Assembly practice provides for Standing Committee review of the detail of all Appropriation and Supplementary Appropriation bills prior to introduction. All other bills are not reviewed by Standing Committee until after the bill has received 2nd Reading.*

16. ***Amendments to Bills at Standing Committee*** *– Ministers are required to seek Cabinet approval of any substantive amendments to bills suggested by Standing Committee, before they concur with the proposed amendments.*

17. ***Bills for Introduction*** *– The 10-day Cabinet submission deadline applies to bills for introduction in the House. Optimally, bills for introduction should be submitted at least two weeks in advance of the first day of session.*

18. ***Consideration of Legislative Proposals*** *– Cabinet does not normally consider legislative proposals during session, unless they are dealing with initiatives that are going to be introduced during that session. The 10-day submission deadline and conventions related to "walk-ins" would apply regardless.*

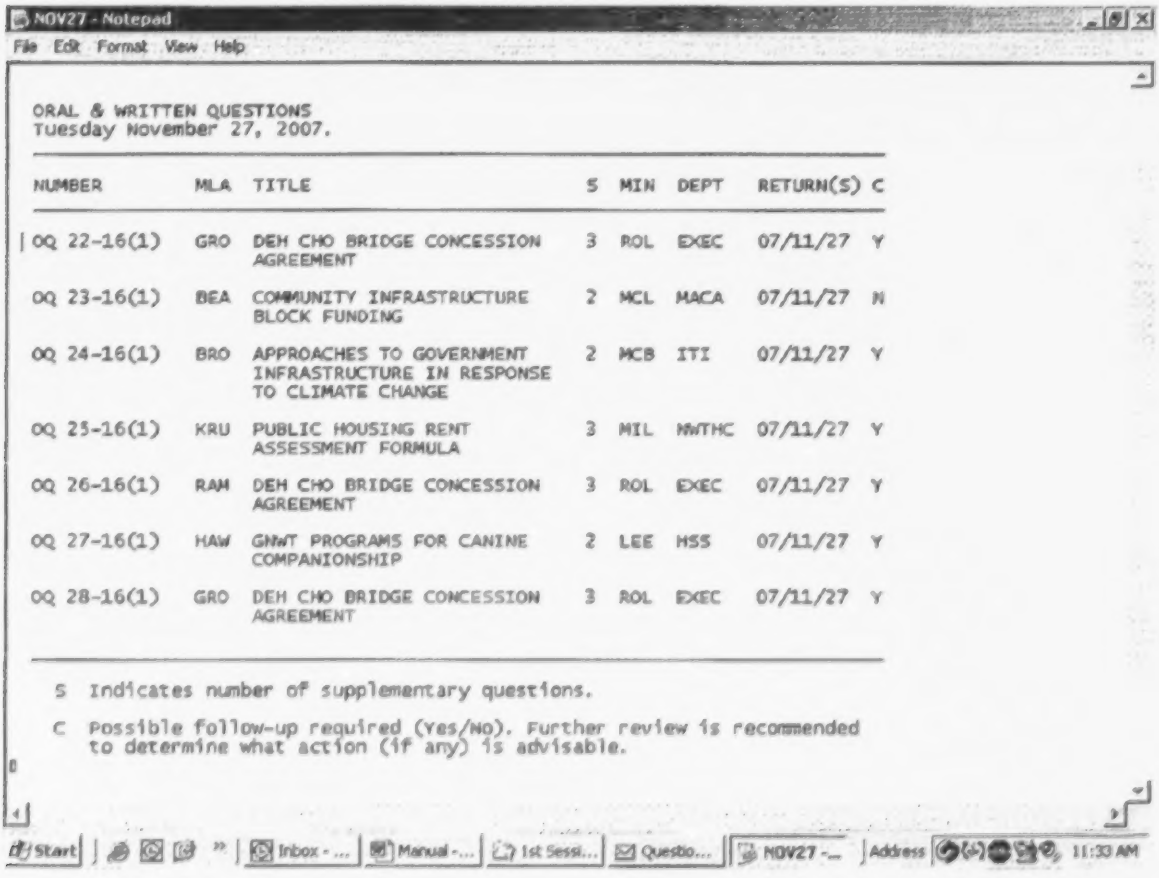
DAILY REPORTS

Questions Report

This report is sent out daily during session which lists all the Oral and Written Questions asked that day. Anyone wishing to receive these reports can contact the Legislative Officer at 2240.

How to Read the Report

Date	Date question asked
Number	"OQ" indicates an Oral Question; "WQ" indicates a Written Question. The actual question number followed by "– 16(1)" which is the Legislative Assembly number (16th Assembly) and the session number (1st Session) is in brackets.
MLA	Name of MLA who asked the question
Title	Title of the question
S	Number of Supplementary Questions
Min	Name of Minister Question was directed to
Dept.	Department Question was asked to
Return(s)	Date the Answer was provided in the House
C	Commitment made in Answer (Yes/No or True/False)



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ORAL & WRITTEN QUESTIONS
Tuesday November 27, 2007.

NUMBER	MLA	TITLE	S	MIN	DEPT	RETURN(S)	C
OQ 22-16(1)	GRO	DEH CHO BRIDGE CONCESSION AGREEMENT	3	ROL	EXEC	07/11/27	Y
OQ 23-16(1)	BEA	COMMUNITY INFRASTRUCTURE BLOCK FUNDING	2	MCL	MACA	07/11/27	N
OQ 24-16(1)	BRO	APPROACHES TO GOVERNMENT INFRASTRUCTURE IN RESPONSE TO CLIMATE CHANGE	2	MCB	ITI	07/11/27	Y
OQ 25-16(1)	KRU	PUBLIC HOUSING RENT ASSESSMENT FORMULA	3	MIL	NWTHC	07/11/27	Y
OQ 26-16(1)	RAM	DEH CHO BRIDGE CONCESSION AGREEMENT	3	ROL	EXEC	07/11/27	Y
OQ 27-16(1)	HAW	GNWT PROGRAMS FOR CANINE COMPANIONSHIP	2	LEE	HSS	07/11/27	Y
OQ 28-16(1)	GRO	DEH CHO BRIDGE CONCESSION AGREEMENT	3	ROL	EXEC	07/11/27	Y

S Indicates number of supplementary questions.

C Possible follow-up required (Yes/NO). Further review is recommended to determine what action (if any) is advisable.

Start | Inbox - ... | Manual -... | 1st Sessi... | Questio... | NOV27 -... | Address | 11:33 AM

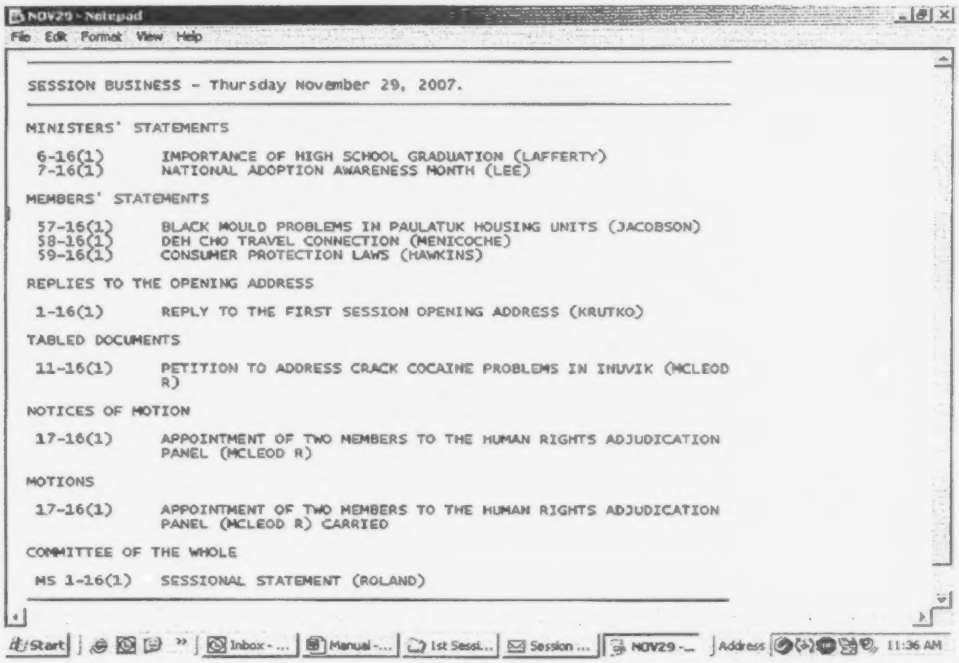
Commitments

During the course of answering an oral question in the House, the Minister might make a commitment of some kind and these are indicated in the daily questions report. It is very important to note that there are no procedural requirements associated with Ministerial commitments during question period; this is just an informal heads-up. We do not track commitments made by Ministers and this column on the daily report does not change. In noting commitments, we take the broadest possible interpretation. If the Minister says that he will consider the Member's suggestion, that is a commitment. A commitment does not automatically trigger a requirement for a letter to be sent to the Member. Some commitments might require follow-up (i.e. the Minister says he will table a document in the House or provide further information to the Member) and some may not. The point is, it is entirely up to the Minister's Office and the department to determine what action, if any, is required. In other words, a commitment indicated in the daily questions report is simply our way of saying "make sure you read this, some follow-up might be required".

For commitments made in Committee of the Whole, please refer to "Committee of the Whole" section on page 28.

Session Business Report

This report lists all the various items that were proceeded with in the House that day (an unofficial votes and proceedings). The report is set out in the same order as Orders of the Day and lists what was presented or discussed under that item, as well as the disposition for motions and committee motions.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SESSION BUSINESS - Thursday November 29, 2007.

MINISTERS' STATEMENTS

6-16(1) IMPORTANCE OF HIGH SCHOOL GRADUATION (LAFFERTY)
7-16(1) NATIONAL ADOPTION AWARENESS MONTH (LEE)

MEMBERS' STATEMENTS

57-16(1) BLACK MOULD PROBLEMS IN PAULATUK HOUSING UNITS (JACOBSON)
58-16(1) DEH CHO TRAVEL CONNECTION (MENICOCHE)
59-16(1) CONSUMER PROTECTION LAWS (HAWKINS)

REPLIES TO THE OPENING ADDRESS

1-16(1) REPLY TO THE FIRST SESSION OPENING ADDRESS (KRUTKO)

TABLED DOCUMENTS

11-16(1) PETITION TO ADDRESS CRACK COCAINE PROBLEMS IN INUVIK (MCLEOD R)

NOTICES OF MOTION

17-16(1) APPOINTMENT OF TWO MEMBERS TO THE HUMAN RIGHTS ADJUDICATION PANEL (MCLEOD R)

MOTIONS

17-16(1) APPOINTMENT OF TWO MEMBERS TO THE HUMAN RIGHTS ADJUDICATION PANEL (MCLEOD R) CARRIED

COMMITTEE OF THE WHOLE

MS 1-16(1) SESSIONAL STATEMENT (ROLAND)

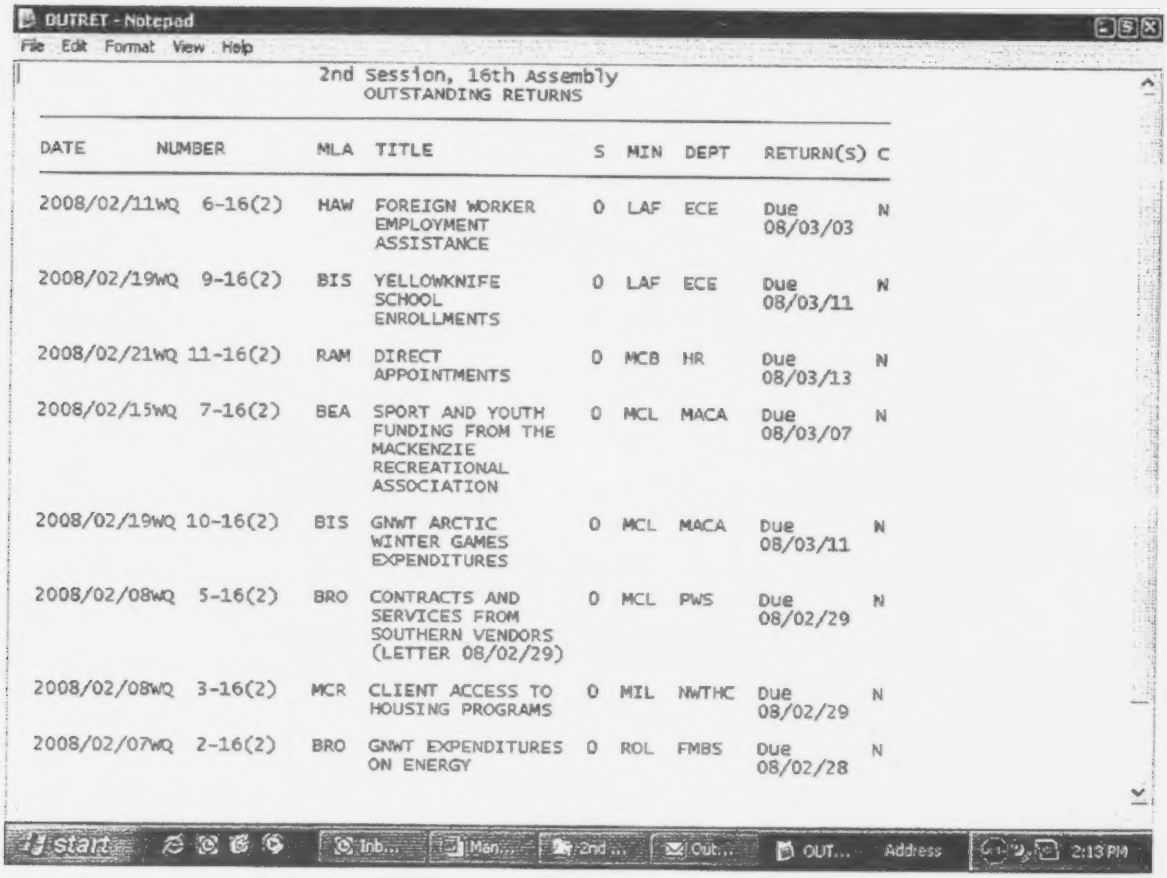
Start | Inbox - ... | Manual -... | 1st Sessi... | Session ... | NOV29 -... | Address | 11:36 AM

Outstanding Returns Report

This report is sent to Minister's staff at the end of each sitting. It contains all the questions that require a formal return to be prepared for the Minister to read in the House. A formal Return to Oral Question is only required when the Minister specifically takes the question as "Notice", in which case "Notice" appears in the "Return(s)" field. Any additional information can be provided to the Member by letter.

Written questions are required to be responded to in 21 calendar days from the date the question was asked. In the "Return(s)" field you will find "Due" followed by a date. This is the date that a formal response is required for the House. If the complete answer can not be provided within 21 calendar days a provisional return must be prepared stating that more time is required, the reason for the delay and a date when the answer will be provided (see page 22, Legislative Assembly Procedures and Format Manual). **If the Legislative Assembly is not sitting, the formal return is due on the first day of the next sitting.** It is strongly suggested that, as a courtesy, a letter be sent to the Member as soon as the answer is ready.

Please ensure that any correspondence that is related to oral or written questions posed in the House be copied to both the Clerk of the Legislative Assembly and the Legislative Coordinator, Department of Executive.



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2nd Session, 16th Assembly
OUTSTANDING RETURNS

DATE	NUMBER	MLA	TITLE	S	MIN	DEPT	RETURN(S)	C
2008/02/11	WQ 6-16(2)	HAW	FOREIGN WORKER EMPLOYMENT ASSISTANCE	O	LAF	ECE	Due 08/03/03	N
2008/02/19	WQ 9-16(2)	BIS	YELLOWKNIFE SCHOOL ENROLLMENTS	O	LAF	ECE	Due 08/03/11	N
2008/02/21	WQ 11-16(2)	RAM	DIRECT APPOINTMENTS	O	MCB	HR	Due 08/03/13	N
2008/02/15	WQ 7-16(2)	BEA	SPORT AND YOUTH FUNDING FROM THE MACKENZIE RECREATIONAL ASSOCIATION	O	MCL	MACA	Due 08/03/07	N
2008/02/19	WQ 10-16(2)	BIS	GNWT ARCTIC WINTER GAMES EXPENDITURES	O	MCL	MACA	Due 08/03/11	N
2008/02/08	WQ 5-16(2)	BRO	CONTRACTS AND SERVICES FROM SOUTHERN VENDORS (LETTER 08/02/29)	O	MCL	PWS	Due 08/02/29	N
2008/02/08	WQ 3-16(2)	MCR	CLIENT ACCESS TO HOUSING PROGRAMS	O	MIL	NWTHC	Due 08/02/29	N
2008/02/07	WQ 2-16(2)	BRO	GNWT EXPENDITURES ON ENERGY	O	ROL	FMBS	Due 08/02/28	N

start Inb... Men... 2nd ... Out... OUT... Address 2:13 PM

Thou Shall Not.....

Most documents for the House require some sort of processing (i.e. copies to interpreters, Hansard, Clerk, etc.) in the best interest of the Ministers, the following rules must be followed:

1. **Do not send Sessional documents directly to LHP (except copies required for tabled documents) – all items should be routed through the Minister's Office.**

2. **Do not send returns to questions, Ministers' Statements, items for tabling etc. directly to a Minister in the House.**

This is important to remember because some documents require Cabinet review and approval. As well, some documents require filing with the Clerk, should your Minister give a more current version than the one filed with the Clerk, the Speaker will call the Minister to order. Every document to some extent is distributed (i.e. Hansard, Clerk's Office, etc. prior to the House commencing), if items are passed directly to the Minister, these distributions cannot be done and will affect the smooth running of the House proceedings.

WHEN IN DOUBT...
Call Heather at 2240 or Kevin at 2239.

ORDERS OF THE DAY

The Orders of the Day (Orders) is a daily schedule governing the business of the House. The Rules of the Legislative Assembly specify what items appear on the Orders on any given day. Like an agenda for a meeting, the Orders help make the most efficient use of the time available. (See attached sample on page 12)

For the most part, the Orders do not list the specific items of business under each heading. For example, on any given sitting day a number of Members will usually give a Member's Statement, but these are not listed on the Orders under Members' Statements. The same is true for Minister's Statements and most other items on the Orders. Specific items of business that are listed on the Orders include: Motions, 1st/2nd/3rd Readings of Bills, and Consideration in Committee of the Whole of Bills and Other Matters. However, it should be noted that even if a specific matter is listed on the Orders, the House is not obligated to deal with this matter. For example, after the required 48 hours following "Notice of Motion for 1st Reading of Bills", the bill is then placed on the Orders under "1st Reading of Bills". However, the Minister is not obligated to proceed with 1st Reading on that day or any day.

The difference between what is on the Orders and what is actually dealt with is most evident in Committee of the Whole. When the Speaker puts the House into Committee of the Whole, he will note all of the business that is on the Orders for Committee of the Whole. When Committee of the Whole convenes, Members then decide which items on that list that they wish to deal with. This may end up being only one or two items of several that are listed on the Orders.

Below is a short description of each item on the Orders.

- Prayer – One of the Members will say the standard prayer at the beginning of each sitting day.
- Opening Address – Like the "Throne Speech" in the Parliament of Canada, the Opening Address is a message from the government that is given by the Commissioner on the opening day of each session of the Legislative Assembly. The Commissioner declares the session officially open during this address to the Assembly.
- Minister's Statements – See "Minister's Statements" section on page 14.
- Member's Statements – Any Member, including Ministers, have two and half minutes to make a statement on any one topic. Ministers cannot make a statement related to his/her responsibility as a Minister.
- Returns to Oral Questions – See "Oral Questions" section on page 18.
- Recognition of Visitors in the Gallery – Members have 30 seconds to introduce people present in the gallery.
- Acknowledgements – Members have 30 seconds to make a statement recognizing a significant milestone or accomplishment of a constituent. Acknowledgments must be approved by the Speaker in advance.
- Oral Questions – See "Oral Questions" section on page 18.
- Written Questions – See "Written Questions" section on page 22.

- Returns to Written Questions – See "Written Questions" section on page 22.

- Replies to the Opening Address – Any Member, including Ministers, may make one reply to the Opening Address per session. They can speak on any matter and there is no time limit. By existing convention, Ministers do not criticize government during a Reply to the Opening Address.

- Replies to the Budget Address – Any Member, including Ministers, may make one reply to the Budget Address. This item is on the Orders for seven days after delivery of the Budget Address by the Minister of Finance. Under existing convention, Ministers do not usually give replies to the Budget Address.

- Petitions – Members may present Petitions to the House on behalf of the public. The Minister or the Speaker has 60 days to provide a response to that Petition. Also see "Petitions" section on page 31.

- Reports of Standing and Special Committees – The Chair or a Member of the Committee will present a written report to the House on some matter. Normally the entire report is read into the record but for lengthy reports, the committee may, with unanimous consent, deem the report read and printed in Hansard.

- Reports of Committees on the Review of Bills – The Chair or Member of the Committee gives a report on the review of Bills. This is merely the act of reporting a Bill or Bills back to the House, with or without amendments. The Rules require that all bills reported to the House be received and ordered into Committee of the Whole for consideration. The Rules specify that, unless otherwise ordered by the Assembly, a bill will not be considered until two sitting days have passed from the day it was reported.

- Tabling of Documents – Members may table a document that is either required (i.e. by law or Order of the Assembly) or that may be of interest to the public. Also see "Tabled Documents" section on page 26.

- Notices of Motion – Any Member wishing to move a motion during formal session is required to give 48 hours notice. The mover would state the intended day of moving the motion and read the resolution part of the motion.

- Notices of Motion for the First Reading of Bills - A Minister wishing to introduce a Bill is required to give 48 hours notice before the Bill can be read for the first time. A Member, who is not a Minister, can introduce a Private Members' Public Bill, but such bills cannot appropriate public funds or impose a tax.

- Motions – A motion is a proposal for the Assembly to either do something or to take a position on a matter. Motions are also used to make recommendations to the Government. The mover of the motion opens the debate. Each Member is allowed to speak to the motion for a maximum of 20 minutes and the mover of the motion has the right of last reply, which would close the debate. The Speaker would then call for a vote. Also see "Committee of the Whole" for information regarding committee motions.

- 1st Reading of Bills – After 48 hours notice, the sponsor of the bill will give 1st Reading. A reading of a bill is a motion that is voted by Members like any other motion (e.g. "I move that Bill.....be read for the 1st time). However, there is no debate allowed at 1st Reading. A bill is not available to the public until it has received 1st Reading.

- 2nd Reading of Bills – 24 hours after 1st Reading, the sponsor of the bill may give 2nd reading to that bill. This is also moved as a motion and Members are allowed to debate the purpose of the bill, but not the details. Once a bill has received 2nd Reading it is referred to a committee for further review. The Committee has up to 120 days to review the bill and report it back to the House. In some instances (and with unanimous consent), Standing Committee review may be waived, in which case the bill would be referred directly to Committee of the Whole.

- Consideration in Committee of the Whole of Bills and Other Matters – A less formal part of the day when Members deliberate on items referred to it by the House. The business of Committee of the Whole is normally bills, department budgets and Standing Committee reports. However, other matters such as Ministers' Statements or Tabled Documents can be debated if they are moved into Committee of the Whole. Members have a ten-minute time limit on speaking, but may speak more than once. Motions made in Committee of the Whole (Committee Motions) do not require notice, a seconder and Members may speak more than once during debate, at the discretion of the Chair. Also see "Committee of the Whole" section on page 28.

- Report of Committee of the Whole – the Chair of the Committee of the Whole gives a report to the Speaker when the House goes back to formal sitting. In that report the Chair of Committee of the Whole would note, for example, if the review of a bill was completed and is now ready for 3rd Reading or if any matter has been concluded. The Chair would also note the number of motions that were adopted during the Committee of the Whole portion of the day.

- 3rd Reading of Bills – 24 hours after a bill has been reported from Committee of the Whole, the sponsor of the bill may give 3rd Reading. This is also moved as a motion and debate is allowed. When a bill has been given 3rd Reading, it is considered ready for Assent by the Commissioner of the Northwest Territories.

- Orders of the Day – the Clerk reads the Orders of the Day for the next sitting day. Note this would apply only when the House is adjourning, Orders of the Day would not be read in the case of prorogation.

- Prorogation[1] – Sessions are commenced (started) and prorogued (ended) by the Commissioner. In both cases, the Commissioner will enter the House and address the Assembly. Typically in the NWT a session lasts for at least two separate sittings of the House, but it could be just one sitting or three separate sittings. The question of whether to prorogue a session or simply adjourn it to a later date is determined in part by the amount of business before the House. Upon prorogation all business before the House dies. In the prorogation address, the Commissioner will announce the commencement date of the next Session.

Business Not on the Orders

The two items below are proceedings that take place in the House but are not listed on the Orders.

- Assent to Bills – This is final stage of the Assembly's role in the enactment process. The Commissioner comes into the House (usually on the last day of a sitting) and gives "Royal Assent" to all bills that received 3rd Reading. If a bill does not have any coming into force provision, it is law upon Assent.

- Adjournment – At the end of each sitting day, the Speaker will adjourn the House until the next sitting day. In most cases this is simply the next day but in the case of extended adjournment, this could be weeks or even months into the future. All business before the House carries over from one sitting day to the next, even during a period of extended adjournment.

Other Information on the Orders

Some additional information is listed on the Orders, mainly for convenience. These include a listing of bills before Standing Committees, a listing of outstanding Written Questions and due dates for

[1] This item is only on the Orders the last day of a Session.

responses, and a progress chart for the consideration of Department budgets during a budget session.

Additional Information/Terminology

- Recorded Vote – If requested by a Member, the Speaker will determine the vote not just by a show of hands, but by requesting Members to stand and have their vote (in support, against, or abstention) recorded in Hansard.

- Unanimous Consent – A mechanism usually used to allow a Member to do something that would normally be in violation of the Rules. The most common example is a Member seeking unanimous consent to use more than the allotted 2 1/2 minutes for a Member's Statement. If a single Member says "nay" then unanimous consent has not been obtained.

- Consent – Similar to unanimous consent, but two Members would have to say "nay". Consent is most often sought to allow a bill to pass through more than one stage in a single day.

- Extended Adjournment – An extended adjournment is an adjournment of the House to a date in the future. This is authorized through the adoption of a formal motion.

Any questions?
Just call Heather at 2240 or Kevin at 2239.

YELLOWKNIFE, N.W.T.
THURSDAY, FEBRUARY 9, 2006
1:30 PM

1. Prayer
2. Ministers' Statements
3. Members' Statements
4. Reports of Standing and Special Committees
5. Returns to Oral Questions
6. Recognition of Visitors in the Gallery
7. Oral Questions
8. Written Questions
9. Returns to Written Questions
10. Replies to Opening Address
11. Replies to Budget Address (Day 6 of 7)
12. Petitions
13. Reports of Committees on the Review of Bills
14. Tabling of Documents
15. Notices of Motion
16. Notices of Motions for First Reading of Bills
16. Motions
17. First Reading of Bills

    Bill 19 *Supplementary Appropriation Act, No.3, 2005-2006*

18. Second Reading of Bills

    Bill 20 *An Act to Amend the Income Tax Act No. 2*

19. Consideration in Committee of the Whole of Bills and Other Matters

Bill 18	*Appropriation Act, 2006-2007*
CR 5-15(4)	*Standing Committee on Accountability and Oversight – Report on the 2006-2007 Pre-Budget Review Process*
CR 6-15(4)	*Standing Committee on Governance and Economic Development – Report on the 2006-2007 Pre-Budget Review Process*
CR 7-15(4)	*Standing Committee on Social Programs – Report on the 2006-2007 Pre-Budget Review Process*

20. Report of Committee of the Whole

21. Third Reading of Bills

22. Orders of the Day

Bills Before Standing Committee		**Committee**
Bill 12	*An Act to Amend the Territorial Court Act*	Social Programs
Bill 15	*Court Security Act*	Social Programs
Bill 16	*Tobacco Control Act*	Social Programs
Bill 17	*An Act to Amend the Public Colleges Act*	Social Programs

Bills Ready for Assent

Bill 13	*An Act to Amend the Financial Administration Act*
Bill 14	*Public Airports Act*

Status of Returns to Written Questions		Member	Ministry	Due Date
WQ 20-15(4)	Housing Programs in Sahtu Region	Yakeleya	NWTHC	Feb. 24, 2006
WQ 21-15(4)	Suicide Help Line	Villeneuve	H & SS	Feb. 24, 2006
WQ 22-15(4)	EDAP Program	R. McLeod	NWTHC	Feb. 27, 2006
WQ 23-15(4)	Agency Nurses in the North	Yakeleya	H&SS	Feb. 27, 2006
WQ 24-15(4)	Locum Nurses in the NWT	Ramsay	H&SS	Feb. 27, 2006

Departmental Order for Bill 18: *Appropriation Act, 2006-2007*

* NWT Housing Corporation	Environment and Natural Resources
✓ Municipal and Community Affairs	Executive Offices
→ Health and Social Services	Aboriginal Affairs and Intergovernmental Relations
Public Works and Services	Finance
Education, Culture and Employment	Financial Management Board Secretariat
Transportation	Human Resources
Industry, Tourism and Investment	Legislative Assembly
Justice	

→ = under consideration *** = deferred** **✓ = concluded**

MINISTERS' STATEMENTS

Rules of the Legislative Assembly

For Ministers' Statements the Rules of the Legislative Assembly state:

Rule 34

(1) A Minister may make a short factual announcement or statement of Government policy.

(2) A copy of each Ministers' Statement, with translation, shall be filed with the Clerk one hour prior to the sitting of the Assembly during which the statement will be given.

(3) The Clerk shall give a copy of each statement to each Member prior to or during the sitting of the Assembly during which the statement will be given.

(4) Notwithstanding Rule 34(2), in the case of an emergency, a Minister may make a statement without filing a copy with the Clerk.

(5) Any Member may, without notice, move a Ministers' Statement into Committee of the Whole for discussion. The motion shall not be subject to debate or amendment.

(6) The time allotted to Ministers' Statements shall not exceed twenty minutes.

Ministers' Statement Guidelines

These guidelines should be considered whenever there is a need to prepare a Ministers' Statement. The existing Cabinet direction for guidelines in developing Ministers' Statements is as follows:

1. *Generally, Ministers' Statements should be relevant to government priorities and objectives and should contain information that the Legislative Assembly and/or the public need to know on a fairly urgent basis.*

2. *Ministers' Statements can be effective political and public relations tools, but to be effective they must be brief, concise, and not be overused (i.e. the longer the statement, the less people tend to listen; the greater the number delivered the less effective each statement becomes).*

3. *Ministers' Statements should be developed for the following:*

   - *Highlight significant achievements on, or provide crucial information directly related to, main government priorities (e.g. devolution, fiscal issues, land claims / self-government, etc.)*
   - *Announcing major new policies, programs and services or significant changes to existing policies, programs and services; and*
   - *Providing a clarification or correction on sensitive or controversial issues (e.g. to anticipate questions in the House and provide information in a pro-active way; to provide clear and factual information in response to statements made by Regular Members or the media, etc.)*

   Note: press releases and/or press conferences should also be considered in conjunction with statements on these topics.

4. *Discretion should be used when considering Ministers' Statements for the following:*

   - *Theme weeks or theme days; and*
   - *Reporting on the results of intergovernmental meetings.*

   Note: consider press releases and/or press conferences instead.

5. *Ministers' Statements should not be developed for the following:*

   - *Tabling annual reports or other routine or non-controversial documents; and*
   - *Updates on on-going programs and services.*

   Note: consider press releases and/or press conferences instead.

Format

The statements are to be a space and a half or double-spaced and in the recommended 12 point Helvetica or Arial font. Because statements are posted on the website both upper and lower case must be used (upper case is interpreted as shouting on the internet). Use 8½ x 11 white paper. See attached sample.

Your Minister may wish to have a different font or size to read from in the House. If so, provide 1 reading copy of the approved statement to the Legislative Officer to place in his Daily House Business Folder.

Do not:

- Type in a number or the date. The statement is numbered and dated by the Clerk's office after it is given in the House by the Minister.

- Type "Ministers' Statement" at the top of the page, the only title that is needed is that of the subject of the statement

Approval and Review

All Ministers' Statements must be reviewed by Cabinet prior to delivery in the House. Statements are reviewed in the CHS meetings held every day during session at 9:00 a.m.

Statements should be sent to the Minister's office for initial approval via the Executive Assistant. It is strongly recommended that departments e-mail the statements to the Minister's offices so any changes required can be made quickly on site. The Executive Assistant or the Executive Secretary will deliver the original and 16 double-sided copies of statements ready for Cabinet review to the Legislative Coordinator or Legislative Officer at least one day before they are to be given. ***Note that statements to be delivered in the House on Fridays, must be reviewed by Cabinet in Cabinet House Strategy Thursday mornings.** After Cabinet review, the Legislative Coordinator provides all comments and any changes directed by Cabinet to the Minister's Executive Assistant or Executive Secretary.

The Executive Assistant will ensure that a revised original and six double-sided copies (including reading copy if required) are delivered to the Legislative Officer no later than 12:00 p.m. Prior to delivery in the House, the Executive Assistant will e-mail a copy to the Legislative Officer to provide to Hansard and Communications Coordinator for posting on the GNWT Website after delivery in the House.

Filing the Statements [Rule 34(2)]

The filing of the statement with the Clerk of the Legislative Assembly must be done at least one hour prior to the daily sittings of the House (Monday - Thursday 12:30 p.m. and Fridays 9:00 a.m.).

The Legislative Officer files the statements with the Clerk, places a copy in the Minister's Daily House Business Folder, which is placed directly on his/her desk in the Chamber. The Legislative Officer also provides a copy to Hansard. After the statement has been given in the House the Legislative Officer provides a numbered and dated copy to the Communications Coordinator to compare with e-mailed statements to ensure accuracy before posting onto the website.

Note: If a Statement is not filed on time, the Minister cannot deliver it in the House. The Rules allow for one exception where Ministers may make Statements of an urgent and emergency nature. [Rule 34(4)] It is not an emergency statement if the Minister and/or the department really wants to give a statement on a particular day. A good example of a legitimate emergency statement would be to talk about a fire or a flood or a major political event with significant implications for the NWT. Contact Legislation and House Planning immediately if the Minister needs to give an emergency statement, as the Cabinet, Speaker and Clerk are still required to be advised before it is delivered in the House.

Common Mistakes

(1) Making reference to any appropriations (i.e. budgets, funding, etc.) not yet approved by the House.

(2) Sending the Ministers' Statement too late for review by Cabinet.

(3) Using the wrong format.

(4) Having a date on the bottom of the page or included in the footer.

(5) Using phrases such as "I am pleased to table a document...." Or "Attached please find...." (The correct wording is "Later today, at the appropriate time, I will table..."or "I have provided to Members....").

(6) Using phrases such as "...attached please find..." or "...the list below...". A Minister's Statement is a speech and such comments do not make sense when read out loud.

(7) Using an acronym in the title of the statement and/or forgetting to underline the title.

(8) Forgetting to e-mail the approved final statement to Communications Coordinator and Legislative Officer

(9) Beginning the statement with "Thank you".

Any questions?
Just call Heather at 2240 or Kevin at 2239.

(EXAMPLE)

THE HONOURABLE (Name of Minister)
MINISTER OF (Department)

NO._____
DATE_____

Appointment of a New Commissioner

Mr. (or Madam) Speaker, the Minister of the Department of Indian and Northern Affairs has announced the appointment of a new Commissioner for the NWT, etc.

Thank you, Mr. (or Madam) Speaker.

ORAL QUESTIONS

Rules of the Legislative Assembly

For Oral Questions the Rules of the Legislative Assembly state:

Questions:

Rule 37 *Written and oral questions relating to public affairs may be asked of a Minister. In putting a question or replying to it, no argument, opinion or facts shall be stated except so far as is necessary to explain, and the matter referred to shall not be debated.*

Oral Questions:

Rule 38 (1) *Under the item "Oral Questions", questions relating to public affairs may be put to Ministers.*

(2) *An oral question shall be concisely and clearly put and shall refer only to a matter which may reasonably be assumed to be within the present knowledge of the Minister to whom it is directed.*

(3) *The Minister may:*

(a) *answer the question; or*

(b) *state that he or she takes the question as notice and answer it orally on a subsequent day under the item "Returns to Oral Questions".*

(4) *When a Minister answers an oral question, only three supplementary questions per Member directly related to the same subject may be asked.*

(5) *the time allotted for oral questions shall not exceed sixty minutes.*

General Information

- Legislation and House Planning provides a daily summary of Question Period, via e-mail, to those who are on the distribution list. Any changes to this list may be made by contacting the Legislative Officer at 2240.
- Legislation and House Planning tracks all outstanding Returns to questions. The Legislative Coordinator provides daily statistics to Ministers regarding Oral and Written Questions.
- Information on questions and the preparation of the Return (if you are unsure as to the question number or titles etc.) should be directed to the Legislative Officer at 2240.

Review and Routing

A Return is only required when a Minister has taken the question as Notice. Otherwise the information should be provided by way of a letter. See "Responses to Members by Letter" on page 19 for more information. All Returns must be provided to the Executive Assistant for the Minister to approve. Note that Returns to Oral Questions do not have a set time limit, but it is common practice for Returns to be given as soon as possible. The Executive Assistant gives the approved unstapled original and six double-sided copies, to the Legislative Officer by 5:00 p.m. (Monday-Thursday). Cabinet review of Returns to Oral Questions is discretionary. Regardless all Returns are placed on the CHS agenda for Cabinet's information. It is recommended that Returns on sensitive or controversial issues should be formally reviewed in Cabinet House Strategy.

The Legislative Officer files the original with the Clerk's Office and places a copy in the Minister's Daily House Business Folder at his seat in the Chamber and provides a copy to Hansard. The Minister is

required to read the Return to Oral Question. Returns are recorded in Hansard and a hard copy is provided to the Member. Hard copies are not included in the daily sessional documents package after it has been delivered in the House.

Further Returns

There are rare instances when a Minister may provide an incomplete answer during question period. Even though the question was not taken as Notice, it may be in the best interest of both the Minister and the Member that additional information be provided in a "further return". Since the Rules of the Legislative Assembly are silent on this matter and further returns are only warranted in very unusual circumstances, please contact the Legislative Coordinator for advice. Often, it may be enough to provide the information to the MLA by letter.

Format

Returns to Oral Questions are required to be completed on the white "Return to Oral Question" form. These forms can be obtained from the Legislative Officer. See attached sample. Returns should be kept to one page, if possible. Use white 8 ½ x 11 paper for any additional pages and ensure that the question number is in the top right-hand corner on all pages of the Return.

If additional information is needed for a complete response to the Member, the Minister should formally table it in the House, for example; charts, tables, etc. The document to be tabled should be referred to in the Return. Do not use phrases such as "I am pleased to table a document...." Or "Attached please find...." The correct wording is "Later today, at the appropriate time, I will table..." Also see "Tabling of Documents" on page 20.

Note: That if a Member has asked several similar questions on the same issue, these can all be incorporated in one return as long as all question numbers are included on the top of the return as well as the dates each question was asked.

Note: If more than one Member has asked questions on the same issue, a separate return must be prepared for each individual Member. Speaker's Ruling March 27, 2000.

Responses to Members by Letter

When Session Adjourns

Although there is no requirement in the Rules, in the best interests of courtesy and good relations, it is recommended that a letter be sent to the Member when the answer is ready and the House is not sitting. This letter must to be copied to the Clerk of the Legislative Assembly and the Legislative Coordinator, Department of Executive. Although this letter would provide the Member with the information requested, the Rules nevertheless require that a formal Return be prepared and delivered when the session reconvenes.

When Session Prorogues

Although any outstanding returns to questions are deemed to "die" when a session prorogues, it is recommended as a courtesy and in the interest of good relations that these questions still be responded to by way of a letter to the Member. The Clerk of the Legislative Assembly and the Legislative Coordinator, Department of Executive must to be copied on this letter.

Common Mistakes

(1) Making reference to appropriations (i.e. budgets, funding, etc.) not yet approved by the House;

(2) Appending materials, using tables, charts etc. which should be tabled in the House. (*Return is a speech, meant to be read out loud.* Phrases such as "...attached please find..." or "...the list below..." do not make sense in a speech. Any attachments or lists should be prepared as a tabled document and refer to the document to be tabled in the Return, do not use phrases such as "I am pleased to table a document...." Or "Attached please find...." The correct wording is "Later today, at the appropriate time, I will table...")

(3) Using the wrong format.

(4) Forgetting to include the question number and title.

(5) Referring to Members by their first name.

(6) Using a different title on the Return instead of the title of the question used in Hansard.

(7) Forgetting the question number on additional pages.

(8) Do not include "OQ" before the question number at the top of the page.

(9) Responses by letter not being copied to the Clerk of the Legislative Assembly and the Legislative Coordinator.

(10) Beginning the return with "Thank you".

(11) Not getting the Return in on time. (i.e. after 12:00 p.m. the day that it is to be given)

Any questions?
Just call Heather at 2240 or Kevin at 2239.

Northwest Territories Legislative Assembly

1-16(2)

No._____

(EXAMPLE)

Return to Oral Question

THE HONOURABLE __(Name of the Minister)__
MINISTER OF ___(Department)_____

FUNDING FOR SEARCH AND RESCUE

Mr. Speaker, I have a Return to Oral Question asked by Mr./Ms. __(last name of Member)__ on __(date asked)__ regarding __(title of question)__.

A Government policy titled "Contributions for Community Organized Searches for Missing Persons" provides limited funds for community-based searches.

These searches can be initiated by a designated community organization with prior authorization from the office of a Regional Director of the GNWT. It provides the community with the ability to initiate a limited search on their own. Since the Hunters and Trappers' Association are eligible for funding under this policy, if designated as the community search organization, Resources, Wildlife and Economic Development does not provide separate search and rescue funds.

Thank you, Mr. Speaker.

NWT 6628/0503

WRITTEN QUESTIONS

Rules of the Legislative Assembly

For Written Questions the Rules of the Legislative Assembly state:

Written Questions:

Rule 39 (1) *Under the item 'Written Questions', written questions may be asked of Ministers. A question which would be likely to require a detailed or complex answer, or which would not reasonably be assumed to be within the present knowledge of the Minister, should be posed as a written question.*

(2) *All written questions shall be filed with the Clerk, who shall endorse the date of filing and provide copies to all Members.*

Returns to Written Questions:

Rule 40 (1) *A Minister to whom a written question is directed shall, without necessary delay, file a reply with the Clerk, who shall endorse the date of filing.*

(2) *Under the item 'Returns to Written Questions', the Clerk shall inform the House of the returns or provisional returns received, deliver copies to all Members, and have the returns printed in Hansard.*

(3) *Under the item 'Returns to Written Questions', a Minister may read a return which has been filed in accordance with Rule 40(1).*

(4) *A Minister shall provide a Return to a Written Question within 21 calendar days, unless the Minister files a provisional return with the Clerk indicating:*

(a) *that more time is required;*

(b) *the reason for the delay; and*

(c) *the date upon which the information will be provided.*

General Information

- Legislation and House Planning provides a daily summary of Question Period, via e-mail, to those who are on the distribution list. Additions or deletions to this list may be made by contacting the Legislative Officer at 2240.
- Legislation and House Planning tracks all outstanding Returns to questions. The Legislative Coordinator provides daily statistics to Ministers regarding Oral and Written Questions.
- Information on questions and the preparation of the return (if you are unsure as to the question number or titles etc.) should be directed to the Legislative Officer at 2240.
- Should there be a discrepancy between the hard copy of a written question and Hansard, it is important to note that Hansard is always the authority.

Review and Routing

A formal return is always required for written questions, unless the session has prorogued. There is a 21-day time limit for a return or provisional return to be filed with the Clerk [Rule 40(1)(4)]. See "Responses to Members by Letter" on page 23 for information on responses if the House is not sitting. The Executive Assistant gives the approved unstapled original and six double-sided copies, to the Legislative Officer by 5:00 p.m. (Monday-Thursday). Cabinet review of Returns to Oral Questions is discretionary. Regardless all Returns are placed on the CHS agenda for Cabinet's information. It is recommended that Returns on sensitive or controversial issues should be formally reviewed in Cabinet House Strategy.

The Legislative Officer files the original with the Clerk's Office and places a copy in the Minister's Daily House Business Folder at his seat in the Chamber and provides a copy to Hansard. With this return the Minister has the option of reading it or having the Clerk table it and it will be printed, as if read in full, in Hansard [Rule 40(3)]. After the return has been given in the House, a copy is provided to the Member, and the Clerk's Office is responsible for distribution of the return in the daily sessional documents package.

Format

Returns to Written Questions are required to be completed on the yellow "Return to Written Question" form. These forms can be obtained from the Legislative Officer. See attached sample. Returns should be kept to one page, if possible. Use white 8 ½ x 11 paper for any additional pages and ensure that the question number is in the top right-hand corner on all pages of the return.

If additional information is needed (i.e. charts, tables, etc.) for a complete response to the Member, the Minister should formally table them in the House. The document to be tabled should be referred to in the return. Do not use phrases such as "I am pleased to table a document...." Or "Attached please find...." The correct wording is "Later today, at the appropriate time, I will table..." See "Tabling of Documents" on page 20 for more information.

Responses to Members by Letter

When Session Adjourns

Although there is no requirement in the Rules, in the best interests of courtesy and good relations, it is recommended that a letter be sent to the Member when the answer is ready and the House is not sitting. This letter must to be copied to the Clerk of the Legislative Assembly and the Legislative Coordinator, Department of Executive. Although this letter would provide the Member with the information requested, the Rules nevertheless require that a formal Return be prepared and delivered when the session reconvenes.

When Session Prorogues

Although any outstanding returns to questions are deemed to "die" when a session prorogues, it is recommended as a courtesy and in the interest of good relations that these questions still be responded to by way of a letter to the Member. The Clerk of the Legislative Assembly and the Legislative Coordinator, Department of Executive must to be copied on this letter.

Common Mistakes

(1) Making reference to appropriations (i.e. budgets, funding, etc.) not yet approved by the House;

(2) Appending materials, using tables, charts etc. which should be tabled in the House. *Remember, the Return is a speech, meant to be read aloud.* Phrases such as "...attached please find..." or "...the list below..." do not make sense in a speech. Any attachments or lists should be prepared as a tabled document and refer to the document to be tabled in the Return, do not use phrases such as "I am pleased to table

a document...." Or "Attached please find...." The correct wording is "Later today, at the appropriate time, I will table...".

(3) **Using the wrong format.**

(4) Forgetting to include the question number and title.

(5) Referring to Members by their first name.

(6) Using a different title on the Return instead of the title of the question used in Hansard.

(7) Forgetting the question number on additional pages.

(8) Do not include "WQ" before the question number at the top of the page.

(9) Responses by letter not being copied to the Clerk of the Legislative Assembly and the Legislative Coordinator.

(10) Beginning the return with "Thank you".

(11) Not getting the Return in on time. (i.e. after 12:00 p.m. the day that it is to be given)

Any questions?
Just call Heather at 2240 or Kevin at 2239.

Northwest Territories Legislative Assembly

1-16(2)

No._____

(EXAMPLE)

Return to Written Question

THE HONOURABLE ___(Name of Minister)_____
MINISTER OF _____(Department)_____

EFFECTS OF CHLORINE IN WATER

Mr. Speaker, I have a Return to Written Question asked by Mr./Ms. __(last name of Member)__ on __(date asked)__ regarding __(title of question)__.

Chlorine has been used as a way to protect drinking water by communities across Canada and in the Northwest Territories for many years. A small amount of chlorine added to water will kill most germs that cause sickness. The proper amount of chlorine added to a truck load of water does not cause taste or smell.

Too much chlorine in water is not normally dangerous to anyone's health because the amount of chlorine that is needed to make a person sick is very high and at this level a person would not be able to drink that water because the taste and smell would be very bad.

Thank you, Mr. Speaker.

TABLING OF DOCUMENTS

Rules of the Legislative Assembly

For Tabling of Documents the Rules of the Legislative Assembly state:

Rule 43 *Under the item "Tabled Documents", a Member may provide to the House any document which is required to be tabled in the House by any Act or order of the Assembly, or which may be in the public interest. A Member may make a brief factual statement to identify the document.*

Procedures

Notify the Legislative Officer as soon as possible of any documents to be tabled by your Minister and, if known, the proposed date for tabling. The Legislative Officer prepares a tabling statement for the Minister that simply states the title of the document.

Tabling statements are not meant to be a replacement for Ministers' Statements. If more detail is required, a separate Minister's statement should be prepared. The statement should make reference to the fact that the document will be tabled at the appropriate time (i.e. "Later today I will table....")

The Legislative Officer places a copy of the document and statement in the Minister's Daily House Business Folder on the Minister's desk in the Chamber before the daily sitting commences.

A document, once tabled, becomes a public document and can not be changed. Should something need to be corrected or added to a document that has been tabled, it will need to be tabled again.

Approval and Review

Although there is no strict requirement for a Minister to seek Cabinet review to table a document, except "Responses to Standing Committee Reports", documents relating to major initiatives, controversial, or multi-departmental issues should be brought to Cabinet for review, prior to tabling. The Executive Assistant or Executive Secretary must provide the Legislative Coordinator with 16 double-sided copies of the documents that are to be reviewed by Cabinet prior to tabling. The Legislative Coordinator includes a list of all documents ready for tabling on the CHS agenda. Items are only added once the copies have been received by the Legislative Officer.

Copies

For the majority of documents 50 copies are required. This includes all documents that are over 50 pages in length, bound (cerloxed), booklets, pamphlets, etc. The Assembly office will copy unbound documents up to 50 pages in length after tabling if two good copies are provided to the Legislative Officer. All copies are to be sent to the Legislative Officer on LA-1 at least one day prior to tabling.

These 50 copies provide sufficient numbers for distribution to parliamentary libraries, the media, and any requests from the general public. It is important to note that all documents that are tabled in the Legislative Assembly are distributed to a variety of Federal/Provincial/Territorial government libraries

including the National Library of Canada. MLA's do not automatically receive copies of tabled documents, only if they request one from the Legislative Library.

Larger quantities of documents, i.e., 80 copies or more, will only be required if a document is expected to be in great public demand.

Common Mistakes

(1) Making reference to any appropriations (i.e. budgets, funding, etc.) not yet approved by the House.

(2) A tabling statement is not a Minister's Statement. If you want to include more information than just the title, write a separate Minister's Statement.

(3) Failing to provide sufficient copies to the Legislative Officer.

Any questions?
Just call Heather at 2240 or Kevin at 2239.

COMMITTEE OF THE WHOLE

Committee of the Whole (CoW) is a less formal portion of the Orders of the Day where Members review the detail of bills (including Appropriation Acts and Supplementary Appropriation Acts) and other matters referred by the House such as Committee Reports, Ministers' Statements or Tabled Documents. Referral of business items to CoW is done by way of motion during formal session. Bills are placed on the CoW agenda two days after being reported back to the House by a Standing Committee. In some instances bills are referred directly to CoW after 2nd Reading but this can only be done with unanimous consent.

CoW is presided over by the Chairman of Committee of the Whole, not the Speaker. Members have a ten-minute time limit on speaking, but may speak more than once. Motions made in Committee of the Whole (Committee Motions) do not require notice, a seconder and Members may speak more than once during debate, at the discretion of the Chair.

Commitments

During the course of discussions in CoW, the Minister may make a commitment of some kind, such as getting more information or further detail for Members. It is very important to note that there are no Rules governing ministerial commitments in CoW and LHP does not track the commitments made by Ministers.

In the absence of specific Rules on ministerial commitments in CoW, an informal protocol has been established based on advice from the Clerk's Office. When responding to these commitments, a letter and any attachments should be addressed to all MLAs and copied to the Clerk of the Legislative Assembly and the Legislative Coordinator, Department of Executive.

For commitments made during Oral Question period, please refer to the "Commitments" section on page 5.

Opening Remarks for Bills and Department Budgets

There is nothing specific in the Rules of the Legislative Assembly regarding Opening Remarks, although Rule 79(1) states *"No Member shall speak for more than 10 minutes at any time in Committee of the Whole."* and there are some conventions are in place. The Chairman usually calls upon Ministers to make Opening Remarks when presenting a bill or a department budget in CoW.

Cabinet Review

Under existing Cabinet direction, Opening Remarks for department budgets require Cabinet review prior to delivery in the House. The Executive Assistant should ensure that the Minister has reviewed and approved these remarks prior to submitting the unstapled original and 16 double-sided copies to the Legislative Coordinator for review in Cabinet House Strategy.

Cabinet review of Opening Remarks to bills is discretionary. Existing Cabinet direction encourages Ministers to submit Opening Remarks for politically sensitive or controversial bills prior to delivery in the House.

Copies
Opening Remarks for Department Budgets:

- 1 unstapled original and 16 double-sided copies to the Legislative Coordinator for review in Cabinet House Strategy.
- Following review, 1 unstapled original and 30 double-sided copies of the approved and/or revised final remarks should be provided to the Legislative Officer.

The Opening Remarks for department budgets must be the final version reviewed by Cabinet. The Executive Assistant is responsible for ensuring that the Cabinet approved version is provided to the department and included in the briefing binders. The Legislative Officer will provide a copy for the Minister to read in his Daily House Business Folder and copies as required to the Clerk's and Hansard.

Opening Remarks for Bills:

- 1 unstapled original and 30 double-sided copies should be provided to the Legislative Officer. (For politically sensitive or controversial bills, follow the procedure for Opening Remarks for department budgets above.)

Format
The Opening Remarks should be a space and a half or double-spaced and with the recommended 12 point Helvetica or Arial font. Titles need to be "Opening Remarks for Bill (Number and Name of the Bill)" or "Opening Remarks for Department of (Name of Department) Main Estimates". See attached sample. Your Minister may wish to have a different font or size to read from in the House. If so, provide one reading copy of the approved statement to the Legislative Officer to place in his Daily House Business Folder.

Common Mistakes – Responding to Commitments

(1) Responding to commitments and addressing the letter only to the Member who asked the question and not all MLAs.

Common Mistakes – Opening Remarks

(1) Using a Ministers' Statement format.

(2) Using "Ministers' Statement" as a title.

(3) **Introducing witnesses in the opening remarks (Unlike Standing Committee meetings, witnesses are not brought into the Chamber until after opening remarks and standing committee remarks have been delivered).**

(4) **Using the phrase "Mr. Speaker" instead of "Mr. Chairman".**

(5) **Having a date on the page or included in the footer.**

(6) **Beginning the statement with "Thank you".**

Any questions?
Just call Heather at 2240 or Kevin at 2239.

(EXAMPLE)

THE HONOURABLE (Name of Minister)
MINISTER OF (Department)

OPENING REMARKS FOR BILL 1: AN ACT TO AMEND THE EDUCATION ACT

Mr. Chairman, I am pleased to introduce Bill 1: An Act to Amend the Education Act. This Bill addresses etc. etc.

OR

THE HONOURABLE (Name of Minister)
MINISTER OF (Department)

OPENING REMARKS FOR THE DEPARTMENT OF JUSTICE 2002-2003 MAIN ESTIMATES

Mr. Chairman, I am pleased to present the Department of Justice's Main Estimates for the fiscal year 2002-2003. The Department is proposing etc. etc.

PETITIONS

Rules of the Legislative Assembly

For Petitions the Rules of the Legislative Assembly state:

Rule 42 (1) *A petition to the Assembly may be presented by a Member at any time during a sitting of the Assembly by filing it with the Clerk, or in the manner set out in Rule 42(2)*

(2) *A Member may present a petition from his or her place in the House under item "Petitions". The Member shall endorse his or her name on the petition and shall confine the presentation to a statement of the petition, the number of signatures and the material allegations. A Member shall not exceed five minutes in presenting a petition.*

(3) *Every petition presented under Rule 42(1) shall be reported to the House by the Clerk under the item "Petitions".*

(4) *No debate shall be allowed on the presentation of a petition.*

(5) *A Member presenting a petition shall be answerable for any impertinent or improper matter that it contains.*

(6) *Petitions may be either written or printed. When there are three or more petitioners, the signature of at least three petitioners shall be set on the sheet containing the body of the petition.*

(7) *A petition that complains of some present personal grievance requiring an immediate remedy may be debated immediately.*

(8) *A Member may, after notice, move that a petition be referred to a Standing or Special Committee which shall report its recommendations to the Assembly.*

(9) *The Clerk shall deliver copies of all petitions presented to either the Speaker or the Minister responsible.*

(10) *The Speaker or the Minister responsible shall provide a response to a petition within 60 calendar days of its presentation. The response shall be tabled at the earliest opportunity.*

Procedures

It is the Minister's responsibility to file a Response to Petition with the Clerk within the prescribed time limit, which is within 60 calendar days of the date the petition is presented in the House [Rule 42(10)], (**not** 60 days from the date of the Clerk's transmittal of the petition to the Minister). Filing is done by sending the original response to the Clerk with a covering letter from the Minister and copied to the Legislative Officer. Note that Cabinet review of Response to Petitions is discretionary.

Responses to Petitions are to be prepared on the proper form as shown on the attached sample. Copies of the Response to Petition forms can be obtained from the Legislative Officer.

Common Mistakes

(1) Failing to use the proper form.

(2) Forgetting to send a copy of the Return and the Minister's letter to the Legislative Officer.

Any questions?
Just call Heather at 2240 or Kevin at 2239.

Northwest Territories

RESPONSE TO PETITION

No. 1-16(2)

EXECUTIVE COUNCIL

(EXAMPLE)

Petition tabled by Mr./Ms. (Member's Name) on (Date Petition Tabled)

Response by the Honourable (Minister's Name)
Minister of Finance

Deposit/Refund Program For Liquor Containers

The deposit/refund program for liquor containers was designed to encourage the proper disposal of liquor containers so that bottles and cans would not be littering the northern landscape. These contracts were awarded for a five-year period. It is inappropriate for the government to cancel a contract without reasonable cause.

However, it would be possible for the government to renegotiate with current contractors to include the requirement that returned materials be recycled. This requirement would likely necessitate the payment of higher commission to the depot operators. Regrettably, research initiated by my officials and myself continues to indicate that there is no current market for recycled glass. Therefore, it is unlikely that any realistic re-negotiation action could be pursued until a market for recycled glass is identified. The government continues to seek any means to ensure that crushed glass liquor bottles can be recycled or reused.

Legislative Document Checklist

Document Type	Cabinet Review Required	Special Format Required	Submission Time	Number of Copies Required	Notes
Ministers' Statements	Yes	Yes	For delivery Monday to Thursday: One day prior to delivery For delivery Friday: 5 pm Wednesday	1 original unstapled AND 16 double-sided	For Cabinet Review
				1 original unstapled AND 6 double-sided	Revised/Approved Final
Returns to Oral Questions	No*	Yes	No set time	1 original unstapled AND 6 double-sided	
Returns to Written Questions	No*	Yes	21 calendar days from date of question	1 original unstapled AND 6 double-sided	
Tabled Documents	No*	No	One day prior to tabling**	2 unstapled & unbound	if under 50 pages in length and uncoloured
				50	If over 50 pages in length and/or coloured
				80	if a popular document
Introductory Remarks to Budget	Yes	Yes	one day before review in Cabinet House Strategy	1 original unstapled AND 16 double-sided	For Cabinet Review
				1 original unstapled AND 30 double-sided	Revised/Approved Final
Introductory Remarks for Bills	No*	Yes	on day of delivery in Committee of the Whole	1 original unstapled AND 30 double-sided copies	
Response to Petitions	No	Yes	within 60 days of date of presentation in House	1 copy of Response and covering letter to Clerk	send original Response by Letter to Clerk

*unless a new initiative, multi-departmental or controversial
**best to advise the Legislative Officer early or before the beginning of Session for timing of tabling

Appendix 7:
Ministerial Energy Coordinating Committee Terms of Reference

MINISTERIAL ENERGY COORDINATING COMMITTEE
TERMS OF REFERENCE

AUTHORITY

This Terms of Reference is established under the authority of the Executive Council (Cabinet) of the Government of the Northwest Territories (GNWT).

MANDATE

The mandate of the Ministerial Energy Coordinating Committee (MECC) is to ensure a focused, coordinated, government-wide approach to the development and implementation of GNWT energy policy, plans, programs and initiatives. Specifically, the MECC will:

(i) ensure there is clear and consistent public communications on energy issues on behalf of the GNWT;

(ii) identify territorial, regional and community energy needs and coordinate the development of recommendations to Cabinet and/or Financial Management Board (FMB) with respect to specific strategies, opportunities, identified gaps, initiatives and funding;

(iii) coordinate implementation of Cabinet and/or FMB direction with respect to energy policy, planning, programs and initiatives; and

(iv) provide updates, as directed by the Premier or Cabinet, to Standing Committees of the Legislative Assembly, to ensure Members of the Legislative Assembly are kept up-to-date with respect to current and emerging Northwest Territories (NWT) energy issues and to seek their advice on energy policy, planning programs and initiatives as required.

COMPOSITION

The MECC will be comprised of:

- the Minister of Industry, Tourism and Investment, who will serve as Chair;
- the Minister of Environment and Natural Resources; and
- the Minister Responsible for the NWT Power Corporation.

All Ministers of Cabinet have a standing invitation to attend the meetings of the MECC.

QUORUM

All three members of the MECC will constitute a quorum.

OPERATION

The MECC:

a) will remain current and informed on GNWT energy activities;

b) will serve as the liaison, through the MECC Chair, between Cabinet and the Deputy Ministers' Energy Coordinating Committee (DM ECC);

c) may undertake periodic reviews of Federal and NWT legislation, as well as GNWT policies, strategies and initiatives that might impact upon the MECC's mandate;

d) may provide regular reports to Cabinet and/or FMB on matters not requiring Cabinet or FMB direction;

e) will develop and oversee the implementation of communications strategies concerning matters within the MECC's mandate; and

f) may establish meeting procedures and policies necessary to MECC's operation.

OPERATIONAL SUPPORT

The DM ECC will coordinate GNWT energy policy, planning, programs and initiatives at the operational level and will report regularly to the MECC through the Chair of the DM ECC. The DM ECC will be comprised of:

- the Deputy Minister of Industry, Tourism and Investment, who will serve as Chair;
- the Deputy Minister of Environment and Natural Resources;
- the Secretary of the Financial Management Board;
- the Deputy Minister of Finance;
- the Deputy Minister of Transportation;
- the Deputy Minister of Public Works and Services;
- the Deputy Minister of Municipal and Community Affairs;
- the President of the NWT Housing Corporation;
- the President of the NWT Power Corporation; and
- the Deputy Secretary, Corporate Communications and Protocol.

All other GNWT Deputy Heads have a standing invitation to attend the meetings of the DM ECC.

Operational and administrative support to the MECC and the DM ECC will be provided by the Department of Industry, Tourism and Investment.

Premier and Chair of the Executive Council

Appendix 8:
Appointment Procedures (GNWT Committees, Boards and Councils)

APPOINTMENT PROCEDURES
(Excerpt from 1986 Cabinet Direction)

If the Minister or Commissioner has the authority to make the appointment, an information item is prepared by the Minister and submitted to the Executive Council. The information item should include:

- the name of the board;
- the name of the appointee;
- the position to which he or she is appointed (i.e. Chairperson, Member);
- the term of the appointment;
- the group or community the person represents, if any;
- the appointee's qualifications for the position; and
- a list of the membership and terms of the current board (the relevant pages of the Public committees, Board and Councils Handbook may be attached for this purpose).

Community level committees may be appointed without going through the above nominating procedure (e.g. Community Social Assistance Appeal Committees). These appointments, however, must follow the legislated appointment procedures.

Once the meeting of the Executive Council takes place with the information item on the agenda, and there are no objections or specific direction given to the contrary, the Minister takes the appropriate steps to make the appointment as specified under the section on appointment procedures below.

If the Executive Council has the authority to make the appointment, the item should be submitted for Executive Council consideration in a decision paper format with the information, as listed above for an information item, included. Should Executive Council approval of the nomination be given, a record of decision is issued.

In some instances, the Legislative Assembly must approve nominations prior to the appointment being made. Where a formal Executive Council nomination is to be forwarded to the Legislative Assembly, the nomination may be obtained by means of a decision paper.

Appendix 9:
Cabinet Operational Guidelines:
When a Cabinet Submission Might Be Required

CABINET OPERATIONAL GUIDELINES

WHEN A CABINET SUBMISSION MIGHT BE REQUIRED

POLICY BASE

All Members of the Executive Council share, to varying degrees, collectively responsibility for the management of government departments, boards and agencies.

Ministers may carry out most activities related to their assigned portfolios on their own authority and in accordance with established legislation and policies. However, the convention of collective responsibility means that, even when specific Executive Council direction is not required, there are times when a Minister should, at a minimum, advise the Executive Council of his or her plans before those plans are implemented.

GUIDELINES

1. Certain decisions fall outside of an individual Minister's authority and can only be authorized by Cabinet or the Financial Management Board. For example, a Minister is obliged to seek Cabinet or FMB direction when:

a) there is a legal requirement to do so;

b) a requirement to do so is established in Commissioner in Executive Council approved policy; and

c) previous Cabinet or FMB direction requires the Minister to do so.

2. Examples of when a Minister should consider the submission of a formal Discussion Paper, Ministerial Initiative or Information Item advising the Executive Council of his or her plans to make certain decisions or to take certain actions include plans to:

a) significantly change a department's, board's or agency's internal organization;

b) change the approach to public programs or services delivery;

c) implement actions or strategies that will have a significant impact on the public or on other departments;

d) undertake consultations or communications likely to attract significant public attention or to create expectations that might inappropriately restrict future options;

e) brief Standing Committee on matters not yet reviewed or considered by the Executive Council;

f) table in the Legislative Assembly, or present to Standing Committees, documents that have not been previously provided to the Executive Council either through a formal submission or a Cabinet House Strategy agenda;

g) address potentially controversial matters that are entirely within the Minister's authority, but for which he or she would like to seek Cabinet advice; and

h) significantly vary or reverse an action that has been the subject of a previous Information Item.

3. A Minister is obliged to submit a formal Information Item to the Executive Council when the Executive Council has:

a) issued specific direction to the Minister to return with further information regarding a particular matter (e.g., through a Record of Decision); and

b) established a convention or guidelines governing the actions in question (e.g., Cabinet's Appointment Procedures).

Premier and Chairman of the Executive Council

Note:
For further information on Cabinet submissions and operations please see the *Executive Council Submissions Handbook.*